

conversation concerning medical care for the aged, the House committee responsible for the preparation of such legislation never cleared any bill for action by the House of Representatives. In the Senate an attempt was made by Senator JAVITS and Senator ANDERSON to gain passage of legislation to provide medical assistance for the aged, but it was rejected by that body and, therefore, was never presented to the House of Representatives for action. It is my personal opinion that some legislation is necessary to provide for the catastrophic illnesses of our aged coming at a time when they are least able to afford the financial burdens associated with such illnesses. It is generally agreed that this problem demands an early solution and it is my expectation that some legislation in this category will develop in the next Congress.

There was also a considerable discussion concerning Federal aid to education but no significant legislation was enacted by the 87th Congress. Bills pertaining to Federal aid to education were either disapproved in committee or rejected by either the House or the Senate. The college aid bill, the school construction bill, the public and private school aid bills all met the same fate and no education bill of any significance was enacted. In the field of education, aid for deserving and needy colleges throughout the country, together with plans for scholarship aid for deserving students, was likewise ignored. Furthermore, aid for the construction of medical schools, so vital throughout the Nation, was rejected.

One of the greatest omissions of the 87th Congress, in my opinion, was its failure to enact any constructive and equitable legislation in the field of civil rights. Although the need for adoption of further civil rights legislation is quite evident, the President did not recommend any specific civil rights bill and this conceivably is the reason that no action was taken. The only legislation in this field was the introduction of a constitutional amendment to eliminate the poll tax in the various States. Since only five States still have a poll tax and since this could have been accomplished, in my judgment, by statute as well as by constitutional amendment, it was in

effect an empty gesture in this important field.

Two other important subjects were neglected by this Congress. The problem of civil defense was postponed again and the important problem of mass transportation was rejected although the Congress voted to continue a study of the mass transportation problem for an additional 6 months.

With respect to legislation specifically affecting citizens of the First Congressional District, I am happy to report that the Philadelphia wage tax bill authorizing withholding of this tax from the wages of Federal employees was again defeated. The Delaware River and Bay Authority legislation which I cosponsored was approved by the Congress and signed into law by the President. This legislation had the approval of the Governors of New Jersey and Delaware as well as the legislatures of both States. It will, I believe, aid immeasurably in the further development of the south Jersey area providing as it does a means of financing the construction of additional crossings over the Delaware River.

I am also pleased that the Congress corrected an existing inequity concerning the importation of electron microscopes. This scientific marvel was pioneered and developed by the Radio Corp. of America some 30 years ago. In later years, Germany, Holland, and Japan began manufacturing the electron microscope. The legislation enacted by the House which I cosponsored restored tariffs on the importation of these microscopes thus permitting the domestically manufactured electron microscope a competitive position in the world market.

The First Congressional District is largely dependent for its economic stability and growth on the large industries located within the district. These industries have made great contributions to the national defense, national welfare, and the scientific achievements of our country. In many conferences with various Government agencies I have frequently emphasized the quality of work and the availability of experienced manpower in these industries and it is, therefore, satisfying to me to note that during this past year the New York Shipbuilding Corp. was awarded some \$80

million of contracts by the Navy Department for the construction of U.S. warships and that RCA, a giant in electronic pioneering and development, contributed to our national defense by processing some \$300 million of defense contracts.

Scores of other smaller industries were awarded defense and other governmental contracts and many of the smaller businesses were aided through the assistance provided by the Small Business Administration. All of this had as its end result the creation of more employment in the First Congressional District and the continuation of a normal economy.

Although the principal function of a Member of Congress is to devote himself to legislation benefiting the United States in general and his own district in particular, he also represents the constituents of his district in their relationship with the Federal Government.

During this session of Congress, my office has processed literally thousands of requests for assistance in this field. We have handled matters relating to social security, veterans' affairs, immigration, watershed problems, small business, area redevelopment, military academies, post offices, and farm problems—to mention but a few. I have been fortunate, too, in receiving expressions of opinion on pending legislation before the Congress from thousands of constituents. This has been most helpful in aiding me in obtaining the views of the citizens of the First District and in focusing my attention on matters of particular import to individuals, businesses, and corporations of the area.

An office has been maintained with a full-time staff in both Washington and Camden for the servicing of the constituency and the solution of the problems presented. Without exception, the correspondence addressed to either the Camden or Washington office has been answered and it is my hope that all citizens received efficient, prompt, and courteous attention.

In closing, this report, I wish to express my appreciation to the people of the First Congressional District for the honor of serving them as their Representative in both the 86th and 87th Congresses.

SENATE

FRIDAY, OCTOBER 12, 1962

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our fathers' God and the God of their succeeding race: As the hour draws near when the last words will be said and this people's temple of governance will be left empty and silent, as the tumult and the shouting dies and the captains of legislative authority depart, we come with the fervent prayer in our hearts:

"Lord God of Hosts, be with us yet,
Lest we forget—lest we forget!"

May those who here in the exercise of their public stewardship have spoken and acted according to their conscience and convictions, having followed flickering lights in darkened times, cling not to any vain regrets. As the sands of the session run out, we know that what is written is written, as there comes the final entry in another volume of the Republic's history.

Grant the deep desire of Thy servants that in Thy wisdom Thou wilt overrule what has been done unworthily or done amiss, and forgive for what has been left undone.

And now may the Lord bless you and keep you, may the Lord make His face to shine upon you and be gracious unto you, may the Lord lift the light of His countenance upon you and give you

peace—peace in your own hearts, peace in the dear land where still burns freedom's holy light, and peace throughout all the earth to men of good will.

In the Redeemer's name we ask it. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, October 11, 1962, was dispensed with.

LIMITATION OF DEBATE DURING MORNING HOUR

On request of Mr. MANSFIELD, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

AUTHORIZATION FOR INSERTIONS IN RECORD FOLLOWING AD- JOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Senators may be permitted to make insertions in the RECORD following the adjournment of Congress until the last edition authorized by the Joint Committee on Printing is published; but this order shall not apply to any subject matter which may have occurred or to any speech delivered subsequent to the adjournment of Congress.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I had thought the Senate had acted yesterday on the nominations on the Executive Calendar. But if that was not the case, I now move that the Senate proceed to the consideration of executive business, to consider the nominations on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. If there be no reports of committees, the nominations on the Executive Calendar will be stated.

POSTMASTERS

The Chief Clerk proceeded to read sundry nominations of postmasters.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

PRINTING OF COMMITTEE ACTIVITY REPORTS

Mr. HAYDEN. Mr. President, with reference to the printing of committee activity reports for the session, as chairman of the Joint Committee on Printing, I remind the chairmen of all committees that the Joint Committee on Printing has very properly ruled that the printing of such reports, both as committee prints and in the RECORD, is duplication, the cost of which cannot be justified.

It is requested that committee chairmen decide whether they wish these reports printed as committee prints or in

the RECORD, since the Government Printing Office will be directed not to print them both ways.

TRIBUTES TO SENATOR BUTLER, SENATOR BUSH, AND SENATOR MURPHY

Mr. MANSFIELD. Mr. President, on the other side of the aisle three distinguished Senators are retiring this year. I should like to say a few words about each of them and I do so because of my respect and liking for them.

The distinguished senior Senator from Maryland [Mr. BUTLER] will have served 12 years in this body, when his term expires on January 3, next. He has been a most conscientious, most diligent, and most effective Senator for the interests of his State. It will be with sorrow that we shall see him depart, because we shall miss the many contributions he has made as a Member of this body.

The distinguished senior Senator from Connecticut [Mr. BUSH] is likewise retiring voluntarily, and is returning to his State to live—where, I am sure, he will still make many contributions, not only on behalf of the people of the Nation whom he has so ably represented during the years, but also on behalf of the State in which he resides. He has been an effective member of the committees to which he has been assigned. He has made many contributions to the welfare of his State, and has been a stalwart Senator in behalf of the best interests of the Nation. We shall miss him, when he leaves this body.

The third Member on the other side of the aisle who is retiring is the distinguished junior Senator from New Hampshire [Mr. MURPHY]. He has not been with us very long; but while he has served in this body, he has been effective and efficient; he has attended to his duties; and has tried to do the best he could—as all of us try—for the State he has so ably represented and for the Nation as a whole.

Mr. President, let me say that I, personally, will miss these three distinguished Senators, and I regret greatly their prospective departure. I wish them well in the years ahead, because they have served here well; their retirement is a loss to the Senate. They have earned the plaudits of all the Members of this body, because of the contributions they have made and because of the effectiveness of their work as Senators. The Senate wishes them the best of everything in the years ahead and we will always welcome their return.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KEATING (for Mr. WILEY): S. 3807. A bill for the relief of Pericles Ioanis Zombolas; to the Committee on the Judiciary.

By Mr. JAVITS: S. 3808. A bill to amend title I of the Housing Act of 1949, to increase the maxi-

mum amount of relocation payments to be made to a business concern displaced by an urban renewal project and to provide a method for ascertaining the amount of such payments; to the Committee on Banking and Currency.

S. 3809. A bill to provide for the issuance of a special series of postage stamps in commemoration of the fiftieth anniversary of the original "Armory Show of 1913" of New York City, N.Y.; to the Committee on Post Office and Civil Service.

(See the remarks of Mr. JAVITS when he introduced the above bills, which appear under separate headings.)

By Mr. McNAMARA (for Mr. YARBOROUGH) (by request):

S. 3810. A bill for the relief of Filomeno B. Kasilag and Eriinda Lucero Kasilag; to the Committee on the Judiciary.

By Mr. JAVITS: S.J. Res. 238. Joint resolution providing for the establishment of a Commission on the Revision of Federal Agricultural Laws and Programs; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. JAVITS when he introduced the above joint resolution, which appear under a separate heading.)

TWO-YEAR REVIEW OF LEGISLA- TIVE ACTIVITIES DURING 87TH CONGRESS

Mr. MANSFIELD. Mr. President, from now until November the achievements or failures of this Congress are likely to be measured by the inaccurate yardstick of partisan politics. A lasting evaluation will not come until history has sifted the record. That this record may be accurate, I ask unanimous consent that my statement be printed in the RECORD and a summary and digest be printed as a Senate document, as is customary.

I want to express, at this time, my deep appreciation to the Members of the Senate for the restraint, cooperation, and help which they have seen fit to extend to the leadership in these 2 trying years. The leadership has done what it could to secure a fair consideration of the administration's program and to lighten the immense burdens of the Presidency, bearing in mind at the same time the separate constitutional functions of the Congress. As I have said, the successes and failures of this Congress—and there have been both—will be seen in accurate perspective only through the lenses of history. But I am inclined to think, Mr. President, that whatever they may be, both might have been registered more expeditiously. It may well be that there is a need for some soul searching as to the efficacy of some of our procedures and the abuses to which they sometimes lend themselves. For we have, all of us, a responsibility to contribute to the preservation of the constitutional vitality of the Senate and the Congress and public confidence in the legislative branch of the Government of the United States.

The PRESIDING OFFICER (Mr. METCALF in the chair). Without objection, it is so ordered.

The statement presented by Mr. MANSFIELD is as follows:

STATEMENT OF MAJORITY LEADER MIKE MANSFIELD

The gavel is about to fall and the 87th Congress pass into history. For the first

time in 6 years both the legislative and the executive branches of the Government were controlled by the same political party. In addition, new leadership teams were chosen for both the Senate and the House.

If this Congress had passed no measure other than the Trade Expansion Act of 1962, it may well have won a role among the most significant Congresses of American history. This measure, passed with strong bipartisan support, opens the way for a more unified West. Senator COOPER, of Kentucky, had this to say: "The passage of the bill is a signal achievement of the administration and the Congress during the present session." Senator JAVITS, of New York, said: " * * * the Congress is to be congratulated on producing a measure which * * * represents the most signal achievement since the establishment of the European Economic Community. * * * " As stated by Senator BYRD, of Virginia, passage of this bill marks "the prospect of the first meaningful partnership in history between the Old World and the New." Senator MCCARTHY, of Minnesota, described it as a "forward-looking and far-reaching bill which faces up to the challenges of a rapidly changing world, a world in which yesterday's formulas are no longer adequate for today's problems."

But this was not the only accomplishment. Not in many, many years has so much been asked of a Congress and so much delivered.

This is the Congress that made the decision, requested by the President, to embark upon the venture to the moon and voted a record budget of \$5.4 billion to get us on the way.

It did not neglect to keep a sharp eye on its domestic economy. At the same time, it sought to maintain a strong defense by voting the largest peacetime defense appropriation in our history.

This is the Congress that inaugurated the Peace Corps—a measure not only daringly new but of such promise that when it came up for renewal in the second session, Members who had opposed its creation were among its strongest supporters.

This Congress acted to strengthen the Defense Establishment. But it also revealed its farsightedness and its desire for a lessening of international tension by initiating a measure to establish a U.S. Arms Control and Disarmament Agency, to assume responsibility within the Government for directing and coordinating disarmament matters.

This Congress did more in the domestic field to meet the challenges posed by automation—particularly the problem of displacement of skilled workers by machines—than any other Congress in history. This is the Congress that enacted the area redevelopment bill so the skills of American men and women would not be wasted and their economic livelihood wrecked because of technological advances and social change. Area redevelopment is a means of avoiding this. America must not squander its most precious resource—its own citizens.

With the area redevelopment program underway, Congress then moved into the field of manpower retraining by authorizing a 3-year, \$435 million program of training unemployed workers in vocational schools or on-the-job retraining to help them develop new skills and trades.

This Congress raised the minimum wage level to \$1.25 an hour. It authorized a \$3 million Federal grant program to aid in establishing and operating family health clinics and special health projects for domestic migratory farm families.

A Democratic Congress ready to take action when a recession threatens the country recently authorized an appropriation of \$900 million to initiate and accelerate Federal public works projects, and to provide Federal assistance for a similar expansion of local public works, to relieve unemployment and

spur economic expansion in those areas of the country which have failed to share fully in the economic gains of the recovery from the 1960-61 recession. This measure will strengthen the economy and provide a greater measure of economic security to the unemployed.

This is the Congress that created three new national parks—Cape Cod National Seashore, Padre Island in Texas, and Point Reyes in California. There is a universal recognition of the need for more recreational facilities. The creation of these parks will help respond to this need.

This Congress has passed the most comprehensive housing bill in our Nation's history, keeping in mind, particularly, elderly and lower income groups.

With the enactment of the communications satellite bill, the 87th Congress moved quickly to maintain this Nation's lead in peacetime communications through space.

After six failures in previous Congresses, this Congress approved the proposition of a constitutional amendment to abolish the poll tax which has been submitted to the States for ratification.

This Congress, on the heels of the thalidomide tragedy, passed legislation to regulate—even more carefully—the manufacture, distribution, and use of prescription drugs in an effort to avert such tragedies in American homes.

This Congress has enacted an omnibus farm bill designed to curb wheat and feed grain surpluses by setting up pilot programs to find other income-producing uses for cropland and expanding the Government's authority to make long-term dollar loans to foreign countries to purchase our surpluses. The bill establishes the administration's system of two prices for wheat. Wheat for domestic consumption and export will be supported at \$2 a bushel; wheat for feed will be supported at a lower price, pegged in part on the support price for corn.

This Congress also responded to the long-felt need of professional groups and the self-employed to establish means of financial security upon retirement by passing H.R. 10, a bill granting tax deductions for contributions to pension funds.

Three more firsts in our resources area have been charted by establishing a long-term program of oceanographic and Great Lakes research to promote commerce and navigation; by Senate passage of a bill to promote Federal and State programs relating to outdoor recreation by authorizing \$50 million for grants to States over a 5-year period to assist them in a long-range planning program; and by Senate passage of a bill establishing the National Wilderness System to preserve our wilderness areas.

For the first time, this Congress enacted a long-range foreign aid program, and to meet the needs of the Western Hemisphere established the Alliance for Progress. The goals and purposes of the Alliance include an accelerated rate of economic growth, a more equitable distribution of national income, economic diversification, the elimination of adult illiteracy by 1970, and the provision of at least 6 years of schooling for each child, substantial improvement of health conditions, increase in low-cost housing, and progress toward economic integration. Broad bipartisan support by this Congress was given to the President by approving a joint resolution on Cuban policy.

In these 2 years the President has sent down 50 messages containing a hundred or more major legislative recommendations. During the 2 years we have taken action on all but a few of these.

There have been disappointments. We failed to create a Department of Urban Affairs and the growing demands and needs of the residents of America's cities cannot and will not be fulfilled until such a Department is set up.

Two other administration recommendations which met defeat in this Congress were the proposed medicare program for our aged throughout the 50 States, who must be, and will be, taken care of; and the literacy test for voters in Federal elections.

Below is a brief description of our 2-year review highlights.

ECONOMIC AREA

Agriculture

1961

Omnibus farm bill: Enacted a major farm bill to reduce wheat and feed grain surpluses; authorized Secretary to consult with farmers, farm organizations, and other groups to develop new farm programs; extend the Agricultural Trade and Development Act to December 31, 1964; consolidated and modernized the Farmers Home Administration; extended the Wool Act for 4 years to March 31, 1965; extended Great Plains conservation program to December 31, 1971; authorized a 5-year extension of the school milk program to be paid by direct appropriations; and extended the Veterans' Administration and armed services milk program to 1964, with CCC furnishing the funds. Public Law 87-128.

Feed grains: Authorized a 1-year emergency price support for the 1961 crop of corn at \$1.20 a bushel with the other feed grains to be supported at fair and reasonable levels in relation to corn, in an effort to raise the incomes of feed grain producers and to reduce the mounting surpluses of feed grains in Government hands. Public Law 87-5.

Drought relief: Enacted a temporary 1-year program authorizing the sale of Government surplus corn and feed grains to needy farmers and ranchers in drought areas at 75 percent of Government price-support levels and permitting grazing of livestock on grasslands idled by the soil bank and other conservation programs, or moving hay on these lands in or near drought areas. Public Law 87-127.

Farm loans: Increased proportion of appropriated farm loan funds available for individual farms with debt over \$10,000 from 10 to 25 percent to help meet the rapid and increased cost of farming. Public Law 87-8.

Mexican farm labor: Extended and revised the Mexican farm labor program for 2 years, to December 31, 1963; prohibited infringement upon the rights of domestic workers. Public Law 87-345.

Cotton farmers' relief: Authorized emergency relief to cotton farmers where floods have made it impossible to plant. Public Law 87-37.

Farm credit: Liberalized farm credit laws to permit installment payments on Federal land bank loans to be scheduled more frequently than semiannually if desirable to the borrower; permit Federal land bank loans to be made to corporations set up by farming families (now restricted to persons); extend from 5 to 7 years the permissible maturity of intermediate-term loans; require in applying the earnings at the end of each fiscal year that one-half of 1 percent of the loans outstanding be held in reserve up to the accumulation of 3½ percent of the outstanding loans. Public Law 87-343.

1962

Senate passed two farm bills during the 2d session of the 87th Congress. The first bill, S. 3225, with two exceptions was very much like the second farm bill which has been enacted into law. The two exceptions were the provisions relating to price supports and production controls for feed grains. (S. 3225—was killed in the House.)

Second farm bill: As enacted this bill has four major titles, which contain numerous innovations as aids to reducing farm surpluses and solving agricultural problems by providing for a new permanent supply-management wheat program, a 1-year ex-

tension of present feed grain program and replacing the 1958 corn law with a provision effective in 1964 permitting the Secretary to set price supports for corn between 50 and 90 percent of parity and expansion of surplus disposal under Public Law 480. Includes a new land-use-adjustment program to take land out of production and divert its use to recreational and public purposes. Public Law 87-703.

Sugar Act extension: Extended to December 31, 1966, the Sugar Act of 1948 and set new quotas for domestic and foreign sugar producing areas. Public Law 87-535.

Sugar—Western Hemisphere: Reserved 150,000 tons of premium-priced sugar for Latin American supplies for 1963 and 1964, and 75,000 for balance of 1962. Public Law 87-539.

International Wheat Act extension: Extends International Wheat Agreement of 1949 to implement the International Wheat Agreement ratified in 1962, by authorizing the President, acting through Commodity Credit Corporation, to make available wheat and wheat flour at prices necessary to exercise the rights, obtain the benefits, and fulfill obligations of United States. Public Law 87-632.

Farmers Home Administration loans: Raised the annual limitation on Farmers Home Administration insured loans from \$150 million to \$200 million. These farm ownership loans made to families with a farm background and experience or training to help them buy, enlarge, or develop farms and to refinance debts. Public Law 87-749.

Textile imports: Authorized the President, for the purpose of carrying out any agreement under section 204 of the Agricultural Adjustment Act of 1956, to limit imports of any agricultural commodity or product covered by such agreement from countries not participating in the agreement, if, in his judgment, such imports would seriously affect domestic producers. Public Law 87-488.

Migrant farmworkers' health clinics: Authorized a \$3 million a year, 3-year program in Federal grants to public or nonprofit agencies and organizations for paying part of the cost of establishing and operating family health clinics and special health projects for domestic migratory farm families. Public Law 87-692.

Wheat: Deferred the final date for the proclamation of the 1963 crop wheat-marketing quotas and acreage allotments and deferred the final date for the referendum on 1963 crop-marketing quotas until July 25, 1963. Public Law 87-485.

Wheat: Extended the above law for proclamation of the 1963 crop wheat-marketing quotas and acreage allotments and the referendum on the 1963 crop-marketing quotas from July 25, 1962, to August 31, 1963. Public Law 87-540.

Wheat: Enacted a measure correcting an inequity in the Agricultural Act of 1961 relating to the withdrawal of wheat stored to avoid penalty. Public Law 87-410.

Wheat: Extended to June 15, 1962, the time for proclaiming 1963 wheat-marketing quota and national acreage allotment. Public Law 87-450.

Cotton disposal: Provided for disposal of all extra-long-staple cotton in the strategic stockpile by transferring domestic cotton to the CCC for unrestricted use at not less than 115 percent of current support price plus reasonable carrying charges, and foreign cotton for export only at not less than the world price. Public Law 87-548.

Cotton farmers: Extended for 1 year an emergency measure enacted last year to bring relief to cotton farmers whose land has been and is unplantable because of recent floods or whose plantings have been washed out. Public Law 87-446.

Diverted acreage: Authorized production in 1962 of flax, castor beans, guar, sesame,

safflower, sunflower, and other annual field crops not surplus on acreage diverted from wheat and feed grains; authorized payment up to 50 percent of the amount the producer would receive if acreage were devoted to conservation uses. Public Law 87-451.

Feed grains: Liberalized requirements for participation in the 1962 feed grain program by permitting farmers to plant barley on land taken out of wheat production and make barley interchangeable with other feed grains. Public Law 87-425.

Rice acreage: Enacted a measure providing for the transfer of rice acreage history where the producer has withdrawn from rice production. Public Law 87-412.

Crop insurance: Increased from 100 to 150 the number of new counties in which crop insurance may be offered each year. (S. 2859—House Calendar.)

Wet lands—Drainage: Prescribed methods and procedures for approval of agreements to furnish financial and technical assistance for agricultural drainage. Public Law 87-732.

Forest management: Doubled the authorization under the Cooperative Forest Management Act which furnishes technical assistance to small forest and woodlot owners. Public Law 87-680.

Federal Extension Service: Authorized funds appropriated in excess of the 1962 funds to be distributed on the basis of an equalized formula for the first 20 percent. Public Law 87-749.

Forestry research: Authorized matching grants for forestry research to land-grant colleges, agricultural experiment stations, other colleges and universities offering graduate training in sciences basic to forestry and having a forestry school. Public Law 87-788.

Alaska: Authorized \$1,250,000 to aid agricultural producers in Alaska to carry out farmland development measures. (S. 2805.)

General economy

1961

Federal unemployment compensation: Authorized Federal advances to permit the States to extend unemployment benefits up to an additional 13 weeks for workers who have exhausted their regular benefits during the recession, thus providing an unemployed worker with benefits up to a total of 39 weeks—in an effort to ease the unemployment problem throughout the country. Public Law 87-62.

Aid to dependent children: Authorized a 14-month program, from May 1, 1961, through June 1962 of aid to dependent children—permitting States to aid needy parents and their children who are not now eligible for aid in which the Federal Government participates; and increased by \$3 the minimum amount to which the Federal Government will participate on a matching basis in State programs carrying out the special medical care provision for recipients of old-age assistance. Public Law 87-31.

Railroad unemployment compensation: Approved benefits of a similar nature for unemployed railroad workers under the Railroad Unemployment Insurance Act. Public Law 87-7.

Railroad retirees: To bring the railroad retirees in line with the beneficiaries of social security, this amendment to the Railroad Retirement Act permits men without 30 years' service to receive reduced annuities upon reaching age 62; and reduces from 3 to 1 year the required time which must elapse after marriage before a wife or husband, otherwise qualified, may receive the annuity. Public Law 87-285.

Minimum wage: Increased minimum wage to \$1.25 (from \$1) and extended coverage to 3.6 million additional workers. Public Law 87-30.

Area redevelopment: Established the Area Redevelopment Administration in the De-

partment of Commerce, and authorized a 4-year program of \$300 million in loans and \$94 million in grants for industrial plants and public facilities in economically distressed areas. Public Law 87-27.

Social security: Increased minimum old-age insurance benefits and benefits to widows under the Social Security Act; provided reduced benefits to men at 62; liberalized disability provisions; increased tax for workers and employers by one-eighth of 1 percent; increased (for 1 year) the amount of public assistance payments for old-age assistance, aid to the blind, and aid to the permanently and totally disabled. Public Law 87-64.

Housing Act of 1961: Enacted a housing program, authorizing \$4.9 billion in new funds. The act provides for a new 2-year experimental plan of low-interest rate, 35-year mortgage loans for middle-income housing (except in hardship cases the mortgages may be extended to 40 years); requires a 3-percent downpayment on low-income housing, with a permissive inclusion of settlement costs; authorizes \$75 million for mass transportation systems, and \$50 million for "open space" grants; and includes a reauthorization of approximately 100,000 public housing units. Public Law 87-70.

FHA: Increased by \$1 billion the mortgage insurance authorization of FHA. Public Law 87-38.

Federal Aid Highway Act: Enacted the Federal Aid Highway Act of 1961, revising the original estimated authorization for 41,000-mile, 13-year program of interstate highways by increasing the Federal Government's share from \$25 billion to \$37 billion; extended for 2 years the incentive bonus for States to enter into agreements for billboard controls. Public Law 87-61.

Federal Airport Act extension: Extended the Federal Airport Act for 3 years to June 30, 1964, and authorized a total appropriation of \$225 million, or \$75 million annually. Public Law 87-255.

Small business loans: Increased by \$20 million the amount that the Small Business Administration may commit for loans under their regular business loan program, which will enable SBA to continue its loan program without interruption for approximately 1 month. Public Law 87-198.

Small business amendments: Increased SBA's revolving fund by \$105 million which, in addition to the \$20 million approved in Public Law 87-198, increases the total SBA revolving fund to \$1,125 million. Public Law 87-305.

Small Business Investment Act: Increased limit on amounts Small Business Administration may lend small business investment corporations and on latter's investments in individual enterprises. Public Law 87-341.

ICC loans: Extended for 27 months (to June 30, 1963) authority of Interstate Commerce Commission to make loans to help ease the credit difficulties of railroads. Public Law 87-16.

Small towns and rural counties: Established a 20-member bipartisan Commission on Problems of Small Towns and Rural Counties to study and investigate Federal policies and programs relating to the economic needs and problems of these areas. (S. 1869.)

Water pollution control: Authorized an additional \$270 million to help communities construct sewage treatment plants to control water pollution, thus raising the annual limit on grants from \$50 million yearly to \$80 million for fiscal 1962, \$90 million for fiscal 1963, \$100 million for fiscal 1964, through and including 1967. In addition, this measure increased from \$3 to \$5 million the annual Federal matching grants to States to administer water pollution control programs and extended the program through June 30, 1968, and authorized \$5

million a year for the Secretary to use to develop demonstration program to treat sewage, to measure pollutants, and to evaluate the effects of sewage treatment. Public Law 87-88.

Debt limit: Increased the public debt limit by \$13 billion to \$298 billion through June 30, 1962. Public Law 87-69.

Lead-zinc subsidy: Aided the domestic lead-zinc industry by authorizing a 4-year program of stabilization payments for small mineowners—75 percent for lead and 55 percent for zinc of the difference between 14½ cents a pound and the market price whenever the market falls below 14½ cents. Public Law 87-347.

Mid-State reclamation project, Nebraska: Authorized construction of the Mid-State reclamation project in Nebraska and provided for its inclusion in the Missouri River Basin project. Estimated cost is \$81,467,000, repayable within the 40-year contract period. (S. 970.)

Illinois River: Authorized a \$58 million project to improve and deepen the channel of the Kaskaskia River in Illinois to enable coal producers to transport coal by barges at reduced rates to permit competitive market pricing. (S. 520.)

1962

Manpower retraining: Authorized a 3-year, \$435 million, program of training of unemployed in vocational schools or on-the-job retraining to develop new skills; first 2 years' cost to be paid with Federal funds, third year 50-50 matching with the States. Public Law 87-415.

Work Hours Act: Provided for a standard workweek of 40 hours with not less than time and a half for overtime after an 8-hour day or 40-hour week. Public Law 87-581.

Accelerated public works program: Authorized the President to allocate \$900 million for job-creating public works projects in areas where there is heavy unemployment, the funds to be allocated to Federal agencies for acceleration or initiation of authorized projects. Public Law 87-658.

Public debt: Enacted a \$2 billion temporary increase in the public debt—from \$298 billion to \$300 billion (to June 30, 1962). Public Law 87-414.

Tax revision: Enacted a major revision and reform of our Federal tax system which would (1) permit a business to claim a tax credit up to 7 percent (3 percent in the case of certain utilities) of the price of newly purchased business equipment, but requires a businessman to reduce his tax reductions for the depreciation of an item if he claims the investment credit at time of purchase; (2) tighten the allowable tax deductions on business expense accounts; (3) legalize tax reductions for lobbying expenses directly relating to appearances before and communications with any legislative body or individual legislator providing this affects the taxpayer's business; (4) continue the current deferral privileges for manufacturing subsidiaries of controlled foreign corporations, but would tax earnings of nonmanufacturing subsidiaries unless they were located in an underdeveloped country and their earnings put back into an underdeveloped nation; (5) impose on U.S. citizens who are bona fide residents of foreign countries a tax on income in excess of \$20,000 in the first 3 years of residence abroad and in excess of \$35,000 thereafter; (6) increase taxes on earnings of savings and loan associations and mutual savings banks, which are now largely tax exempt; and (7) require that corporations and financial institutions report to the taxpayer and to the Government any dividend, interest, or patronage dividend payments of \$10 or more. (H.R. 10650.) Public Law 87-.

Tax changes: Permitted an employer to claim tax deductions for his contributions

to employee pension plans which include medical care among their retirement benefits; broadened the allowable individual tax deductions for medical expenses; permitted oil companies, for 1962 only, to deduct drilling costs on tax returns in 1 year rather than claim them as depreciation over several years; and required a State or local government operating retail liquor stores to buy only one \$54 Federal liquor tax stamp a year instead of one for each store. (H.R. 10620.) Public Law 87-.

Tax Rate Extension Act of 1962: Extended for 1 year the existing corporate tax rate and certain excise tax rates, while reducing or eliminating taxes on the transportation of persons. Public Law 87-508.

Senior Citizens Housing Act of 1962: Authorized an additional \$100 million (to \$225 million) for the existing program of direct loans to provide housing for the elderly. Established a new program for rural areas and authorized \$50 million for loans to private nonprofit corporations, consumer cooperatives, and public agencies to build rental housing for the elderly and related facilities such as dining halls and infirmaries. The new plan to be administered by the Farmers Home Administration includes \$50 million loan fund to help elderly persons purchase an existing home or housing site. Public Law 87-723.

Foreign bank deposits: To help slow the U.S. gold outflow, removed for a period of 3 years the Federal Reserve Board's present ceiling—which ranges up to 4 percent, varying with the duration of a deposit—on interest rates paid by U.S. commercial banks on time deposits of foreign governments, their central banks or other monetary authorities, and international institutions of which the United States is a member. (H.R. 12080.) Public Law 87-.

Federal-Aid Highway Act of 1962: Authorized a total of \$2.3 billion for fiscal years 1963-65 to continue the Federal-aid highway program for the regular system; for additional amounts for roads on Federal lands; for completion of the Rama Road in Nicaragua, the Inter-American Highway in Central America and Panama; and for relocation payments for families and businesses displaced by acquisition or clearance of rights-of-way for Federal-aid highways. Authorized a new category of public lands development roads and trails for important roads on the public domain. Permits use of secondary highway funds for roads on that system located in urban areas. Promotes cooperative transportation planning in certain urban areas by Federal, State, and local authorities; and permits the use of additional Federal-aid funds for highway planning and research. (H.R. 12135.) Public Law 87-.

Public debt limit increase: Provided for a temporary debt limit of \$308 billion through March 31, 1963, and \$305 billion from April 1, 1963, through June 24, 1963, and \$300 billion for the remainder of fiscal 1963. Public Law 87-512.

SBA amendments: Increased the Small Business Administration's revolving fund ceiling to \$1,666 million. Of the \$1,666 million authorized, \$1,325 million will be used for regular business and disaster loans. Earmarks a separate fund of \$341 million for loans to small business investment companies. Public Law 87-550.

Customs simplification: Reclassified the U.S. tariff schedule to adapt the classifications to the changes which have occurred since 1930 in the character and importance of articles produced in and imported into the United States and in the markets in which they are sold. Public Law 87-456.

Export controls: Extended for 3 years the Export Control Act of 1949 which authorizes the President to prohibit or curtail exportation from the United States certain articles because of security reasons or because they

are in short supply. Strengthened the criminal provisions and provided for a fine of five times the value of exports involved in a willful exporting of certain materials with knowledge that it will be used for benefit of any Communist-dominated nation and/or 5 years' imprisonment. Public Law 87-515.

Mobile trade fairs: Authorized the Secretary of Commerce to provide technical assistance, as well as limited financial aid, to operators of mobile trade fairs which have value in promoting sale abroad of American goods and products. (S. 3389.) Public Law 87-.

Self-employed voluntary pension plans: Encouraged establishment of voluntary pension plans by self-employed professionals by permitting them to set aside up to \$2,500 or 10 percent of their income, whichever is lesser, in an approved retirement program and permits them to deduct from taxable income up to a maximum of \$1,250 in any one year for contributions to the fund. Public Law 87-792.

Civil service retirees: Provided a 5-percent increase, effective January 1, 1963, to all entitled annuitants on that date. Public Law 87-793.

Retirement income credit: Increased to \$1,524 from \$1,200 the maximum annual amount a retired person can subtract from his tax payment. (H.R. 6371.) Public Law 87-.

District of Columbia police and firemen: Provided for an average salary increase of 11.6 percent for policemen and firemen. (S. 3705.) Public Law 87-.

Missouri River Basin project: Authorized the Department of Interior to defer the collection of operation and maintenance charges due in 1962 from the Angostura Irrigation District to ease the financial problem in that area resulting from decreased crop production caused by droughts. Public Law 87-440.

Federal Reserve banks: Extended to June 30, 1964, the present authority of the Federal Reserve banks to purchase securities directly from the Treasury—up to \$5 billion outstanding at any one time. Public Law 87-506.

Lumber research: Enacted a bill designed to assist the domestic lumber industry by devoting half of the lumber import duties to Government research on lumber production and marketing. (S. 3517.)

Metal scrap—Temporary suspension of duties: Continues to June 30, 1963, the duty-free importation of certain metal scraps, including iron, steel, aluminum, magnesium, nickel, and nickel alloys. Public Law 87-514.

Alumina and bauxite—Duty free: Continued to July 16, 1964, suspension of duty on alumina when imported for use in producing aluminum, crude bauxite, and calcined bauxite. Public Law 87-567.

Duty suspension—Shoe lathes: Continues to August 7, 1964, existing suspension of duties on shoe lathes. Public Law 87-607.

Spun silk—Suspension of duties: Continues to November 7, 1965, existing suspension of duties on spun silk or schappe silk yarn. Public Law 87-602.

Casein—Duty free: Because of severe shortage in this country casein used in the manufacture of coated paper, adhesives, emulsions, plastics, paints, and fibers is transferred to the duty-free list. Public Law 87-606.

Stained glass—Duty free: Authorized Secretary of Treasury to admit duty free, stained glass, prefabricated panels and other items imported for use in certain churches. Public Law 87-572.

Coconut and palm oils: Suspended to June 30, 1966, the processing tax on coconut and palm oils. (H.R. 5260.) (Public Law 87-.)

Bicycles: Provided a more definitive tariff classification description for lightweight

bicycles to preclude middleweights from coming in as lightweights. (H.R. 8938.) Public Law 87-.

Corkboard—Duties: Provided a temporary suspension of duties on corkboard, water-proofed cloth, and other items. (H.R. 12213—in conference.)

Design protection: Granted protection against copying original designs. (S. 1884.)

Disasters: Authorized taxpayers in any disaster area declared as such by the President of the United States to charge off their casualty losses on the preceding year's tax return when the disaster happens after January 1 and before the time prescribed by law for filing their income tax returns. Public Law 87-426.

Unpatented mining claims: Granted Secretary of Interior discretionary authority to alleviate hardships by permitting persons who reside on mining claims and were in possession at least 7 years prior to July 23, 1962, to continue to maintain this residence as a home even though the claim has been invalidated or relinquished. (S. 3451.) Public Law 87-.

Copyright extension: Continued through December 31, 1965, the renewal term of any copyright subsisting on the date of approval of this measure where the renewal term would otherwise expire prior to December 31, 1965. Public Law 87-668.

War claims: Authorized payments to Americans who lost property abroad during World War II and permitted the Government to sell General Aniline & Film Corp. seized during the war as German owned. (H.R. 7283.) Public Law 87-.

Real estate loans: Increased the aggregate real estate loan limitation from 60 to 70 percent of a bank's time and savings deposits. Public Law 87-717.

Consumer finance companies: Excluded certain lending companies engaged in the consumer finance business from the personal holding company tax. Public Law 87-768.

Witness per diem increase: Increased per diem of witnesses in a court proceeding, or required to appear before a U.S. commissioner or before a person authorized to take a deposition from \$4 to \$6 a day; increased mileage fee to 10 cents and subsistence to \$10 a day. (S. 2949.)

Savings-and-loan loans on apartment houses: Authorized federally insured savings and loan associations to invest more of their assets in apartment buildings. Existing law requires these associations to include apartment loans with certain other loans in a group which cannot exceed 20 percent of their assets. This act allows the Federal Home Loan Bank Board to authorize them to invest up to 15 percent of their assets in apartment loans. Public Law 87-779.

Trade and communications economy 1961

Foreign trade: Expanded Commerce Department services to importers and exporters and accelerates programs to promote foreign trade. (S. 1729.)

Ship trade-ins: Liberalized the law regarding obsolete trade-ins by authorizing the Federal Maritime Commission to take trade-ins either when the owner signs the contract for construction or purchase of a new vessel or (at the owner's option) within 5 days of the delivery date of the new vessel. Public Law 87-401.

Dual-rate shipping: Permanently legalized the operation of steamship conferences and dual systems of contracts for shippers and strengthened the antimonopoly provisions. Public Law 87-34.

Steamship operators: Authorized steamship operators under subsidy contracts to use part of their required reserve for research and planning. Public Law 87-271.

Broadcasting: Liberalized antitrust law to validate certain contracts for television

broadcasting of professional sports games. Public Law 87-331.

Duty-free allowance: Reduced the duty-free exemption from \$500 to \$100 through June 30, 1963, to counter our unfavorable balance of payments. Public Law 87-132.

AEC sales: Accelerated property sales to stimulate the economic growth of atomic energy communities. Public Law 87-174.

Metal scrap: Extended to June 30, 1962, the existing suspension of import duties on metal scrap. Public Law 87-110.

Corporate excise extension: Extended for an additional year the existing 52-percent corporate income tax rate, excise tax rates on automobiles, liquor, and tobacco, and taxes on local telephone calls and passenger transportation, thus preventing a loss of revenue of some \$2.5 billion. Public Law 87-72.

Clay and shale—Tax treatment: Permits miners of clay and shale to include as a depletion allowance the process of manufacturing brick and tile. Public Law 87-312.

Income-tax returns: Curbed tax evasion by assigning identifying numbers of all taxpayers. Public Law 87-397.

Unemployment tax credits: Prevented double taxation in the case of Federal and State unemployment taxes arising as a result of a technical deficiency in the Federal tax law. Public Law 87-321.

Federal savings and loan: Strengthened the Federal Home Loan Bank Act and the National Housing Act by increasing the reserves and cutting the overcapitalization of the Federal Savings and Loan Insurance Corporation created as a reserve credit facility for savings and home mortgage credit institutions. Public Law 87-210.

1962

Trade Expansion Act of 1962: Gave the President general authority to cut all tariffs as much as 50 percent over the next 5 years; empowered him to remove tariffs as much as he believes desirable on products in which the United States and Western Europe account for most of the world trade; permitted the President to negotiate tariff reductions on entire categories of commodities instead of item by item as at present; established a new program of subsidies to serve as a substitute for tariff protection for workers and companies hurt by import competition; prohibited the United States from granting tariff concessions to Poland and Yugoslavia and eliminated present concessions to these nations; and removed the peril-point provision of present law which empowers the Tariff Commission to recommend minimum safe tariffs on specific items prior to international trade negotiations, and authorizes the Commission only to advise the President on the probable economic effect of any proposed trade agreement action. Public Law 87-794.

All-channel television receivers: Authorized Federal Communications Commission to require all television receivers shipped in interstate commerce or imported into the United States must, at the time of manufacture, be capable of adequately receiving all TV channels. Public Law 87-529.

Supplemental air carrier: Authorized the CAB to limit the number of supplemental carriers, to require performance books, and prescribe the minimum service which must be provided under a supplemental certificate. Public Law 87-528.

Alaska highway study: Authorized \$800,000 for a study of Alaska highways with a report to Congress by May 15, 1963. (S.J. Res. 137—House Calendar.)

Alaska-Hawaii through routes: Established through routes and joint rates for carriers serving Alaska or Hawaii and the other States. Public Law 87-595.

Vessel loadlines: Established new loadline regulations for oceangoing and coastwise

vessels with increased penalties for violations. Public Law 87-620.

Gas rates: Granting Federal Power Commission authority to suspend changes in gas rate schedules covering sales for industrial use only. Public Law 87-454.

Maritime medical care: Restored to self-employed U.S. fishermen eligible for medical care in hospitals, outpatient clinics, and other medical facilities of the Public Health Service in the event of illness and injury incurred while engaged in their hazardous but essential occupation. (S. 367.)

Western Union: Eliminated from the Communications Act the requirement that Western Union divest itself of its international telegraph operations. (S. 3646.)

Patent interferences: Requires that all agreements settling patent interference proceedings be filed with the Patent Office. (H.R. 12513.) Public Law 87-.

Civil aircraft: To ease aircraft financing, this bill provided for recording security conveyances of interests in civil aircraft and making these records valid throughout the United States. (S. 2773.)

Fishermen taxation: Permits fishermen to file their declaration of estimated tax and paying the estimated tax by January 15 after the end of the year in question. This privilege will begin after tax years beginning December 31, 1962. Public Law 87-682.

Aircraft accidents: Provided express authority in the Federal Aviation Act to facilitate the investigation of aircraft accidents. (S. 962.) Public Law 87-.

Aircraft loan guarantees: Extended the aircraft guarantee loan program an additional 5 years to September 7, 1967, and increased the amount of the loans from \$5 to \$10 million except for all-cargo carriers— which amount is \$15 million. (H.R. 10129—in conference.)

Railway Express: Exempted the Railway Express Agency, Inc. from the long- and short-haul rate provision of the Interstate Commerce Act. Public Law 87-707.

Intrastate motor carriers: Authorizes the Interstate Commerce Commission to grant the right to common motor carriers operating within a single State to engage in interstate, or foreign operations within the State. (S. 320.) Public Law 87-.

Vessel subsidy—Extension: Extended to July 7, 1965, authority to pay maximum of 55-percent subsidy for construction of vessels whose keels were laid after June 30, 1959. (H.R. 11586—in conference.)

Construction subsidized vessels: Permitted vessels built with construction differential subsidy to secure war-risk insurance coverage at their normal commercial value as determined by Secretary of Commerce. (S. 2829.)

Trademarks—Registration and protection: Broadened the provisions of the Trademark Act of 1946 relating to improper use of a mark to include instances where use would cause confusion; and clarified the administrative and court procedure. Public Law 87-772.

Contract carriers: Permitted contract motor carriers to be designated as carriers of bonded merchandise for purposes of the custom laws. (H.R. 5700.) Public Law 87-.

Railroads—Tax relief: Permitted any regulated transportation company to spread its net operating loss over 7 succeeding years in computing its taxable income. Public Law 87-710.

Potomac River compact: Granted congressional approval for the States of Maryland and Virginia to enter into the Potomac River compact which created the Potomac River Fisheries Commission to regulate taking seafood and fish from the Potomac between the District line and the Chesapeake Bay. Public Law 87-783.

Washington metropolitan transit compact: Granted congressional approval to four

amendments adopted by Maryland and Virginia to the Washington metropolitan area transit regulation compact between Maryland, Virginia, and District of Columbia. One amendment enlarges the metropolitan area to include Dulles International Airport; all cities incorporated with the metropolitan district subsequent to the effective date of the compact are to become part of the metropolitan district; limits the jurisdiction of the Transit Commission to the metropolitan district; and provides for the submission of the annual report on a fiscal year basis instead of calendar year. Public Law 87-767.

DEFENSE AND SPACE EXPLORATION AREAS

1961

Ready Reserves: Granted authority, requested by the President, to call to active duty up to 250,000 ready reservists, authority to continue until July 1, 1962; and to grant discretionary authority to the Secretary of Defense to extend enlistments, appointments, and other service obligations up to 12 months, which would otherwise expire on July 1, 1962. Public Law 87-117.

Alien enlistment: Authorized peacetime enlistments in the Army and Air Force by persons who have been lawfully admitted to the United States for permanent residence. Public Law 87-143.

Military procurement: Authorized \$12.4 billion procurement program for aircraft, missiles, and naval vessels for fiscal 1962. Public Law 87-53.

Military: Clarified the reemployment provisions of the Universal Military Training and Service Act. Public Law 87-391.

Additional military procurement authorizations: As requested by the President, authorized additional funds to provide for additional equipment primarily to improve the nonnuclear defense capabilities of our ground forces and of the Navy and Air Force; to provide increased air and sea lift; and to expand our antisubmarine warfare program. The overall request for additional authorization for procurement of weapons, equipment, and ammunition was for \$1,753 million; however, of this amount, additional authorizations are required only for \$958,570,000. Public Law 87-118.

Military construction: Authorizes \$831 million for construction and improvement projects at military bases at home and abroad, including missile sites and nuclear submarine bases. Public Law 87-57.

Aeronautics and Space Council: Reactivated and strengthened the usefulness of the Aeronautics and Space Council, and provided that it be administered by the Vice President. Public Law 87-26.

NASA authorization: Authorized \$1,784,300,000 for the National Aeronautics and Space Agency. Public Law 87-98.

Civil aviation insurance: Extended until 1966, for 5 years, title XII of the Federal Aviation Act of 1958, to provide that in the event of war the Nation's civil air fleet would have adequate insurance coverage for war risks. Public Law 87-89.

War hazards: Increased monthly disability and death compensation payable under the War Hazards Compensation Act. Public Law 87-380.

Military: Amended the Uniform Code of Military Justice to provide specific authority for prosecution of bad check offenses. Public Law 87-385.

Marine Corps: Improved the combat effectiveness of the Marine Corps by providing for the expanded assignment of supply-duty-only officers to unrestricted duty. Public Law 87-123.

Emergency evacuation: Provided for advances in pay to Armed Forces personnel in cases of emergency evacuation of dependents from overseas areas. Public Law 87-188.

Coast Guard—Temporary appointments: Extended to January 1, 1964, the authority of the President to make temporary ap-

pointments in the Coast Guard, or until such time as the Secretary of the Treasury determines that the number of officers holding permanent appointments on the active list of the Coast Guard is equal to 95 percent of the number authorized by law. Public Law 87-257.

AEC authorization: Authorized \$270,440,000 for a total of 40 new AEC projects including the Stanford linear electron accelerator and electric generating facilities. Public Law 87-315.

AEC omnibus amendments: Enacted numerous amendments to the AEC Act designed to provide a better framework and to help us keep pace with emerging developments in atomic energy. Amendments included the transfer of 3 kilograms of plutonium and 500 grams of uranium 233 to the International Atomic Energy Agency to aid in the prestige of the LAEA as a center for distribution of special nuclear materials, and the transfer of 8 additional kilograms of plutonium and 30 kilograms of uranium 233 to Euratom for research purposes and to help start an experimental plan for reprocessing fuel elements. Public Law 87-206.

Air Force promotions: Provided a temporary program through June 30, 1963, for promotion for all active duty Air Force officers below the grade of colonel. Public Law 87-194.

Reserves: Provides more flexible regulations regarding terms of enlistment in the National Guard to make service in that unit more attractive, and other changes include making ROTC graduate training program run from 3 to 6 months at the discretion of the service Secretary. Public Law 87-378.

1962

Ready Reserves: Gave President standby authority to call 150,000 military reservists to active duty if an international crisis should require it. Public Law 87-736.

Berlin resolution: Approved a concurrent resolution putting Congress on record for any action, including the use of military force, needed to uphold Western rights in Berlin. Adopted unanimously by both Houses.

Cuban resolution: Approved a resolution on Cuba stating the United States will use force if necessary to halt the spread of communism in this hemisphere. Public Law 87-733.

Military procurement: Authorized \$12,969,300,000 for the procurement of aircraft, missiles, and naval vessels during fiscal 1963. Public Law 87-436.

Military construction authorization: Authorized \$1,455,672,500 for construction and related authority for the military departments and the Department of Defense. Public Law 87-554.

Space authorization: Authorized \$3.7 billion for National Aeronautics and Space Administration for fiscal 1963. Public Law 87-584.

Communications satellite system: Established Communications Satellite Corporation, subject to Government regulation, to plan and operate with foreign governments and businesses a commercial communications satellite system. Public Law 87-624.

AEC authorization: Authorized appropriations of \$242,695,000 for AEC construction projects; of this amount \$159,415,000 was authorized for 42 new projects; authorized AEC to contract with Washington Public Power Supply System for sale of byproduct steam under certain conditions and for construction of electric generating facilities in connection with AEC's atomic reactor in Hanford, Wash. Act stipulates that sale of Hanford steam must provide a substantial financial return to the Treasury, any modification of the reactor for utilization of the steam must be paid by the purchaser of the steam, and the Senate-House Atomic Energy Committee must be given an opportunity to review the contract before the Government

signs it. If these and other conditions are not met, the steam cannot be sold. Public Law 87-701.

AEC amendments: Amended Atomic Energy Commission Act of 1954 by authorizing establishment of one or more atomic safety and licensing boards; provided Government indemnity coverage for overseas nuclear accidents involving contractors or subcontractors of AEC and limited overseas coverage to \$100 million. Public Law 87-615.

Armed services procurement: Amends the Armed Services Procurement Act of 1947 controlling procurement of property and services by the Armed Forces and NASA—to encourage procurement by formal advertising; to obtain more competition in negotiated procurement; and to provide safeguards for the Government against inflated cost estimates in negotiated contracts. Public Law 87-653.

Quarters allowance for the military: Increased the basic quarters allowance for military career people, from corporal to general, in order to meet the increased cost of housing in the civilian market; and increased the housing allowance for dependents of temporary military personnel. Public Law 87-531.

Armed Forces travel expenses: Increased to \$16 (now \$12) a day the maximum per diem allowance in lieu of subsistence for members of the Armed Forces. Public Law 87-500.

Southern interstate nuclear compact: Granted congressional consent to southern interstate nuclear compact which will establish a regional agency, the Southern Interstate Nuclear Board, to develop and control peaceful uses of nuclear energy throughout the compact area. Public Law 87-563.

Army reorganization: Approved plan to reorganize the command and management structure of the Army. Effective February 17, 1962.

Public facility loans: Makes certain federally impacted areas in which there is located a research or development installation of the National Aeronautics and Space Administration eligible for a loan under the public facility loan program. Public Law 87-634.

Amorphous graphite: Extended to June 30, 1964, the present suspension of duties on amorphous graphite; the extension is necessary because the United States is dependent entirely upon imports of this type graphite for certain strategic items required by the Air Force. Public Law 87-497.

Defense production extension: Extended to June 30, 1964, the remaining powers of the President under the Defense Production Act of 1950, to establish priorities for defense contracts; power to allocate materials for defense purposes. Public Law 87-505.

Renegotiation Act extension: Extended to June 30, 1964, the authority of the Government to recapture excessive profits on certain Government contracts. Public Law 87-520.

Civil defense emergency authorities extended: Extended to June 30, 1966, the provision of title III of the Civil Defense Act which authorized the President to declare a national emergency for civil defense purposes and to assume emergency powers during such an emergency. Public Law 87-501.

Reserves—Lump-sum payments: Equalized the treatment between "Reserves" and "Regulars" by increasing the readjustment payments to 2 months' basic pay for each year of active duty for a Reserve member released after 5 years' active duty; and authorized maximum readjustment of 2 years' basic pay or \$15,000, whichever is lesser. Public Law 87-509.

Armed Forces—Educational opportunities: Permitted qualified members of armed services and Public Health Service to accept, from nongovernmental sources, competitive fellowships, scholarships, or grants for educational purposes. Public Law 87-555.

World War I emergency officer retirement: Reopened the emergency officers' retirement program to permit a limited group of former World War I emergency officers to apply for and receive the benefits of that program. (H.R. 8517.) Public Law 87-.

Retired officers: Repealed the law which imposed a lifetime ban on retired Navy and Marine Corps officers selling supplies and war materials to the Navy Department. Public Law 87-777.

Service academies: Authorized Secretaries of Army and Air Force to appoint up to 250 additional cadets under the qualified alternate system; 95 percent to come from congressional sources. Purpose is to permit cadet corps at each academy to be at full strength at end of academic year immediately prior to graduation. (H.R. 7913—in conference.)

Nonjudicial punishment: Amended article 15 of the Uniform Code of Military Justice to give increased authority to designated commanders in the Armed Forces to impose nonjudicial punishment; the increased authority will enable them to deal with minor disciplinary problems and offenses without resort to trial by court-martial. Public Law 87-648.

Diplomatic radio stations: Granted authority to license a foreign government to operate low-power point-to-point radio stations in the District of Columbia to transmit messages to points outside the United States whenever the President considers it to be in the interest of national security. (H.R. 11732.) Public Law 87-.

INTERNATIONAL AREA

1961

Foreign assistance authorization: Authorized a total appropriation of \$4,253,500,000 for fiscal 1962; a long-term (5 year) Development Loan Fund program authorizing an appropriation of \$1.2 billion for fiscal 1962 and \$1.5 billion for each fiscal year from 1963 to 1966; and established a new foreign aid agency. Public Law 87-195.

Latin American aid: Appropriated \$600 million for Latin American aid program, which includes \$100 million in disaster relief for Chile, \$394 million for loans by the Inter-American Development Bank, \$6 million for social and economic programs of the Organization of American States, and \$100 million for loans and grants by the International Cooperation Administration. Public Law 87-41.

OECD: Ratified the creation of the Organization for Economic Cooperation and Development consisting of 18 European member nations, the United States, and Canada, to promote economic stability and an orderly growth of the economies of the member states.

OECD—Permanent representation: Authorized the President to appoint, subject to Senate confirmation, a permanent representative of the United States to the Organization for Economic Cooperation and Development, and provided for the cost of U.S. participation in OECD including salaries of the American representative and his staff. (U.S. share is 25 percent of the OECD budget which will run to about \$5 million annually.) (S. 2423.)

Battle Act revision: Strengthened U.S. policy abroad by authorizing the President to permit economic aid to Iron Curtain countries, except the Soviet Union and Communist-held areas of the Far East, when he considers it important to U.S. security. (S. 1215.)

Foreign bank tax exemption: Exempted foreign central banks from payment of taxes in this country on interest accrued from ownership of U.S. Government securities not used or held for commercial purposes. Public Law 87-27.

Peace Corps: Carried out the President's recommendation to establish a Peace Corps of American volunteers to carry America's

skills and talents and idealism abroad to help other peoples to help themselves. The Peace Corps is designed to provide the framework through which America's idealism, her humanitarianism, and her generosity can find a personal expression in the task of helping to build with our own hands a better world for our mankind. Public Law 87-293.

Disarmament: Established a U.S. Arms Control and Disarmament Agency to deal with the problem of reduction and control of armaments looking toward ultimate world disarmament. Public Law 87-297.

U.S. Travel Service: Established a U.S. Travel Service in the Department of Commerce to promote and encourage tourist travel from abroad. Public Law 87-63.

Surplus as aid: Authorized disposal of additional \$2 billion in surplus commodities under the Agricultural Trade Development and Assistance Act. Public Law 87-27.

Sugar Act: Extended the Sugar Act of 1948 for 15 months to June 30, 1962, fixing quotas of domestic and foreign producers; and continuing the President's authority to exclude Cuban sugar imports and reallocate its quota. Public Law 87-15.

Agricultural aid: Authorized the administration to continue and expand the use of our agricultural abundance in helping needy people in the less-developed countries through development programs under title II of Public Law 480, Agricultural Trade Development Act. Public Law 87-92.

Alien Orphan Adoption Act: Made permanent and expanded the Alien Orphan Adoption Act which permits orphans adopted or to be adopted by U.S. citizens to enter the country on nonquota visas. Public Law 87-301.

Repatriation assistance: Enacted an emergency 1-year repatriation assistance program to provide temporary assistance to U.S. citizens and dependents of U.S. citizens returning from abroad without available resources. Aid can consist of money payments, medical care, temporary billeting, or other goods or services needed for the health and welfare of the recipients. Public Law 87-64.

Caribbean Organization: Authorized the President to accept on behalf of the United States the agreement establishing the Caribbean Organization; the participation of Puerto Rico and the Virgin Islands in the Organization; made available to the Organization the privileges, exemptions, and immunities conferred by the International Organizations Immunities Act; and authorized the Secretary of State to appoint a U.S. observer to the Organization. (Organization is to concern itself with social, cultural, and economic matters of common interest to the Caribbean area.) Public Law 87-73.

Fulbright Act: Authorized legally classified American nationals to qualify and receive financial assistance under the Fulbright Act for advanced education abroad. Public Law 87-153.

Cultural exchange: Consolidated all cultural and educational exchange programs in an effort to promote these programs to a more important position in our foreign relations. The exchange programs combined are the Fulbright Act, the Smith-Mundt Act, the Finnish Debt Payments Act, the Mutual Security Act of 1954, as amended, the Agricultural Trade Development and Assistance Act of 1954, and the International Cultural Exchange and Trade Fair Participation Act of 1956. Public Law 87-256.

U.S. food reserve: Expressed an interest in exploring with other nations the possibility of establishing an international food and raw materials reserve under the United Nations and related international organizations to acquire and store in appropriate countries raw or processed farm products and other raw materials exclusive of minerals. (S. Res. 128.) Adopted June 1, 1961.

Export-Import Bank: Authorized Export-Import Bank to guarantee and insure U.S. exporters and importers against political and credit risks of loss in foreign countries. Public Law 87-311.

Red China: Expressed as the sense of the Congress that—

1. The United States should continue to support the Government of the Republic of China as the representative of China in the United Nations;

2. The United States shall continue to oppose seating of the Chinese Communist regime in the U.N. so long as that regime persists in defying the principles of the U.N. Charter; and

3. The American people support the President in not according diplomatic recognition to the Chinese Communist regime.

International Finance Corporation amendment: Amended the charter of the IFC to allow purchase of capital stock to encourage private investment in underdeveloped countries by creating a wider flexibility of financing to meet the varying needs of private enterprise. Public Law 87-185.

Mercy fleet: Supported the establishment by the President of a White Fleet—a force of mercy ships to assist in disaster areas in any coastal region of the world, as well as to carry on a regular program of logistics support in the public health field and other works of technical assistance.

Inter-American Children's Institute: Continued U.S. participation in and contributions to the Inter-American Children's Institute. Public Law 87-365.

NATO: Extended through June 30, 1962, the life of the U.S. Citizens Commission on NATO, a Commission established to explore means of increasing cooperation and unity of purpose among NATO countries. Public Law 87-116.

United States-France: Provided immediate effectiveness for atomic cooperation for mutual defense purposes between the United States and France. Public Law 87-363.

Loans to friendly nations: Authorized loan of naval vessels to certain friendly nations. Public Law 87-387.

1962

Foreign aid authorization: Authorized \$1.2 billion in foreign aid for fiscal 1963 for development grants, investment guarantees, investment surveys, international organizations and programs, supporting assistance and the contingency fund, and \$2.4 billion over a 4-year period for the Alliance for Progress, which includes \$600 million for fiscal 1963. Public Law 87-565.

International Monetary Fund: Granted the Secretary of the Treasury standby authority to lend up to \$2 billion to the International Monetary Fund so that 10 industrialized nations, including the United States, can participate in a special lending program. Public Law 87-490.

Peace Corps: Authorized \$63,750,000 to finance the operations of the Peace Corps during fiscal 1963. (Forty million dollars was authorized last year but only \$30 million appropriated.) Public Law 87-442.

U.N. bonds: Authorized an appropriation of \$100 million for a loan to the U.N. on a dollar-for-dollar matching basis with other nations for the purchase of U.N. bonds to ease the financial crisis caused by the Congo. Public Law 87-731.

Migration and Refugee Assistance Act: Assists in the resettlement of refugees and escapees by authorizing the President to participate in three programs: contributions to the Intergovernmental Committee for European Migration (ICEM); contributions to the U.N. High Commissioner for Refugees (UNHCR); and the U.S. escapee program (USEP). Establishes specific authority to assist Cuban refugees who have come to the United States. Public Law 87-510.

Philippine war damage claims: Authorized an appropriation of \$73 million for unpaid

balance of awards made to claimants under the Philippine Rehabilitation Act of 1946; payments to be made only to claimants or their successors in interest; no new claims will be allowed. Public Law 87-616.

Naval Academy: Authorized admission of two citizens of Belgium to the Naval Academy on a reimbursable basis. Public Law 87-463.

Air Force Academy: Authorized admission of a citizen of Thailand to the Air Force Academy on a reimbursable basis. Public Law 87-462.

Military academies: Authorized appointment of a person from Guam, Virgin Islands, or American Samoa to each of the three military academies. Public Law 87-663.

Inter-American Development Bank: Authorized domestic insurance companies to invest in bonds, notes, or other evidences of indebtedness of the Inter-American Development Bank. Public Law 87-739.

Ryukyu Islands: Increased from \$6 to \$12 million the authorization of funds for economic development in the Ryukyu Islands. Public Law 87-746.

World Food Congress: Authorized up to \$300,000 to defray the expenses of organizing and holding a World Food Congress in the United States in June of 1963, to help combat the international problem of hunger and malnutrition. (S. 3679.) Public Law 87-746.

Foreign Service Buildings Act: Authorized an appropriation of \$53.9 million for a 2-year Foreign Service building construction and rehabilitation program abroad. (H.R. 11880—in conference.)

Copyrights-trademarks-films: Copyrights and trademarks vested under Trading With the Enemy Act authorized to be returned to entitled persons subject to certain vested rights; authorized transfer of vested motion picture films of Library of Congress. (H.R. 9045.) Public Law 87-746.

Treaties

1961

Belgium treaty: Ratified a commercial treaty with Belgium to provide protection for property and interests of American citizens and companies in Belgium and to assure fair and nondiscriminatory treatment in commercial, industrial, and financial activities, in return for like assurances in the United States.

Brazil: Ratified a treaty of extradition with Brazil.

Columbia River: Ratified a treaty between the United States and Canada for cooperative development of the Columbia River.

Geneva radio regulations: Ratified the Geneva radio regulations containing a number of provisions relating to the international regulation of radio communication to assist the United States in carrying out its scientific efforts in radio astronomy and space research.

German war bonds: Ratified a second agreement with Germany for the validation of East German dollar bonds to enable owners of these bonds to establish they were acquired from legitimate sources and not through Soviet sources in Berlin at close of World War II.

International Telecommunications Convention: Ratified Executive J which continues in effect the principal provisions of the International Telecommunications Convention to maintain and extend international cooperation of the improvement and rational use of telecommunications of all kinds.

Loadline: Ratified a modification to the International Load Line Convention.

Oil pollution: Ratified the International Convention for the Prevention of Pollution of the High Seas by Oil.

Vietnam treaty: Ratified a commercial treaty with Vietnam to provide protection for property and interest of American citi-

zens and companies in Vietnam and to assure fair and nondiscriminatory treatment with respect to engaging in commercial, industrial, and financial activities, in return for like assurances in the United States.

Pollution of sea by oil: Implemented the International Convention for the Prevention of the Pollution of the Sea by Oil, which prohibits discharge of oil from tankers and imposes fines and penalties for violations. Public Law 87-167.

1962

Ratified a 3-year extension, to July 31, 1965, of the wheat agreement: The agreement, which supersedes a pact due to expire July 31, embraces 25 wheat importing countries and 10 exporters including the United States. (July 9, 1962.)

ICAO: Ratified an amendment to the International Civil Aviation Convention increasing the size of the ICAO Council from 21 to 27 members. (January 31, 1962.)

IAEA: Ratified amendment enlarging the Board of Governors of the International Atomic Energy Agency from 23 to 25 members. (March 13, 1962.)

WMO: Ratified amendments to the World Meteorological Organization increasing the membership of the Executive Committee of the Organization and eliminating an inconsistency relative to voting on membership. (March 13, 1962.)

Tax treaty: Ratified a tax convention between the United States and Canada. (January 31, 1962.)

NAFC: Ratified a declaration of understanding to the Northwest Atlantic Fisheries Convention. (January 31, 1962.)

SOLAS Convention: Ratified the 1960 Safety of Life at Sea Convention which was signed by our Government and 39 other governments to promote maritime safety. (April 12, 1962.)

Luxembourg: Ratified a commercial treaty between the United States and Luxembourg to provide an agreed basis for protection of property and interests of American citizens and companies in Luxembourg with reciprocal rights for Luxembourg's citizens in the United States. (September 19, 1962.)

HEALTH AND SOCIAL PROBLEMS

1961

National Advisory Council on Migratory Labor: Established a 15-member Council to advise the President and Congress on the operation of Federal law, regulations, programs, policies, and all other matters relating to migratory agricultural labor to provide a better understanding of conditions, needs, and long-range solutions of this problem. (S. 1132—House Calendar.)

Community health services: Expanded and improved community health services and facilities for the health care of the aged, construction of nursing homes, and training of public health personnel. Public Law 87-395.

Mass transit: Authorized a new \$75 million program to help overcome commuting problems in cities; \$25 million is authorized for demonstration grants (covering up to two-thirds of project cost) for projects to explore ways of overcoming mass transit problems; \$50 million is authorized for low-interest loans to public bodies for acquiring, constructing, and improving transportation facilities and equipment. Public Law 87-70.

1962

Drugs: Strengthened Federal regulation under the Federal Food, Drug, and Cosmetic Act to provide consumers with better, safer, and less expensive drugs. Public Law 87-781.

Vaccination Assistance Act of 1962: Authorized a 3-year program of special project grants to States and, with State approval, to local communities to pay part of the cost of intensive vaccination programs against four contagious diseases—polio, diphtheria, whooping cough, and tetanus. (H.R. 10541.) Public Law 87-781.

Major disasters: Authorized assistance to be given by the Federal Government to Guam, American Samoa, and the Trust Territory of the Pacific Islands in case of a national disaster. Public Law 87-502.

Community facilities: Increased from \$7.5 to \$15 million the appropriation authorization for the Trust Territory of the Pacific Islands to permit construction of needed hospitals, utility systems, and school buildings as well as the political and economic development of the area. Public Law 87-419.

Public facility loans: Provided eligibility to Indian tribes for assistance under the public facility loan program, title II of the Housing Amendments of 1955. Under present law, eligibility for loans under the public facility loan program is limited to "municipalities and other political subdivisions and instrumentalities of States." This provision has been interpreted as not including Indian tribes which resulted not only in discrimination but an inconsistency since all tribes are eligible for low-rent public housing, housing for the elderly, and assistance under the Area Redevelopment Act. (S. 2454.) Public Law 87-419.

American Samoa: Extended to American Samoa the application of our laws relating to agriculture, vocational training, school lunch, public health, and library services—to promote the welfare of the territory. Public Law 87-688.

Air pollution control study: Extends to June 30, 1966, and authorizes up to \$5 million annually in appropriations for a continuation of the present study being conducted by the Surgeon General of the Public Health Service and the Secretary of the Department of Health, Education, and Welfare, in conjunction with various State agencies into the causes, effects, and ways to abate air pollution with special emphasis on the effects of automobile exhaust fumes. Public Law 87-761.

National school lunch funds: Revised the formula for apportioning cash assistance funds to States in the school lunch program to base it on the number of lunches served the previous year plus the assistance-needs factor instead of the present system of number of children aged 5 to 17 plus the assistance-needs factor. (H.R. 11665.) Public Law 87-761.

Public health: Authorized establishment within PHS a National Institute of Child Health and Human Development and a National Institute of General Medical Sciences. (H.R. 11099.) Public Law 87-761.

Children of migrant workers: Authorized an annual grant of \$750,000 to States having large number of migratory farmworkers to help provide day-care facilities for the children. (H.R. 12213—in conference.)

Migratory health services: Authorized \$3 million annually in Federal grants to public or nonprofit agencies and organizations for paying part of the cost of establishing and operating family health clinics and special health projects for domestic migratory farm families. Public Law 87-692.

Anthrax coal resources: Broadened the Federal-State program to include filling or sealing abandoned anthracite coal mines as a safety and public health device. (H.R. 4094.) Public Law 87-761.

Nonquota immigrant status: Provided non-quota status for certain first preference quota immigrants needed urgently in the United States because of their education, training, experience, skills, and abilities and also for certain fourth preference quota immigrants such as brothers, sisters, married sons, or married daughters of citizens of the United States including spouses and children. (S. 3361—in conference.)

CRIMINAL LAWS STRENGTHENED

1961

Circuit judges: Created 73 additional U.S. district and circuit court judgeships to help

ease the present workload and overcrowded court calendars. Public Law 87-36.

Tax Court judges' widows and dependent children: Provided a system of annuities for the surviving widows and dependent children of judges of the Tax Court of the United States. Public Law 87-370.

Judgment and compromise settlement: Provided for the swift payment of judgments and compromise settlements against the U.S. Government won by State and foreign claimants. Public Law 87-187.

Jury commissioners: For the first time since 1884, increased the fees of jury commissioners in the U.S. district courts from the present \$5 to \$10 per diem for each day employed in the performance of duties. (S. 1899.)

Agency investigations: Prohibits obstruction of any lawful inquiry or investigation by the Department of Justice or Treasury and strengthens prohibitions against injuries to persons furnishing information in connection with the inquiry. (S. 1665.)

Racketeering enterprises: Prohibits the use of the mail or any transportation in interstate or foreign commerce for the purpose of distributing the proceeds of any unlawful activities (business enterprises involving gambling, bootlegging, narcotics, etc.) Public Law 87-228.

Transmission of bets: Forbids the use of wire communications (telephone, telegraph, or any other means of interstate wire communications) for gambling. Exempts information carried for use of the press and wireless communication. Public Law 87-216.

Wagering paraphernalia: Prohibits interstate transportation of wagering paraphernalia for bookmaking, wagering pools, numbers games, or similar games carried by means other than common carrier in the usual course of its business, but allows transportation of equipment from a State where it is manufactured into a State where pari-mutuel betting is legal. Public Law 87-218.

Felons: Extended Fugitive Felon Act to all felonies. Public Law 87-368.

Espionage: Extended laws against espionage and censorship to acts committed anywhere in the world. Public Law 87-369.

Tax stamps: Made it a Federal crime to transport fraudulent State tax stamps in interstate commerce. Public Law 87-371.

Plane hijacking: Made airplane hijacking a Federal crime subject to a possible death penalty. Public Law 87-197.

Aircraft claims: Authorized immediate payment of up to \$1,000 to anyone who might suffer injury or personal damages as a result of an accident involving military aircraft or missiles. Public Law 87-212.

1962

Gambling devices: Broadened the definition of gambling devices to cover additional types of machines manufactured for gambling purposes, and requires detailed records of all such devices shipped in interstate commerce. (S. 1658.) Public Law 87-369.

Antitrust: Authorized Department of Justice to demand the records of business firms under investigation for possible use in antitrust cases. Public Law 87-664.

Smith Act amendment: Defines and clarifies the term "organize" as used in the Smith Act of 1940 to make it apply to continuing as well as original Communist activities. Public Law 87-486.

Juvenile delinquents: Requires juveniles adjudged delinquents be committed to the custody of Attorney General for observation and study and that a full report be submitted within 60 days by the Bureau of Prisons. Public Law 87-428.

Guam: Extend to Guam power to enter into interstate compacts to enforce criminal laws and policies of the States. Public Law 87-406.

Vending-machine slugs: Broadened the Federal criminal law dealing with the manufacture and sale of slugs and similar devices which could be used in lieu of coins in vending machines. Public Law 87-667.

District court jurisdiction: Makes it possible to bring actions against Government officials and agencies in U.S. district courts outside the District of Columbia which, because of certain limitations on jurisdiction and venue, could formerly be brought only in the U.S. District Court for the District of Columbia. Public Law 87-748.

Torts: Provided for the recovery by the Government of the value of hospital care furnished to an individual tortiously injured by a third party. Public Law 87-693.

Sports—Bribery: Made it a criminal offense to influence by bribery the outcome of sports contests through schemes which make use of interstate or foreign commerce facilities. (S. 2182.)

Federal-State law enforcement: Authorized further cooperation with the States in administering and enforcing Federal laws. Public Law 87-718.

Adoption of minors: Imposing criminal penalties on persons trafficking for profit in interstate commerce in placing, or in arranging for placement of, children for adoption or permanent free care. (S. 654.)

Trafficking in phonograph records: Provided a criminal penalty for counterfeiting phonograph records and labels. Public Law 87-773.

WELFARE AND GENERAL GOVERNMENT AREAS

Education and training

1961

Aid to education: Enacted a \$2,550 million 3-year Federal-aid-to-education program for school construction and increasing teachers salaries. (S. 1021.)

Impacted areas—NDEA extensions: Enacted bill which extends for 2 years, until June 30, 1963, Federal assistance to help build schools in districts burdened with substantial increases in their school memberships due to Federal activities, and authorizes an additional \$20 million for this purpose. Also, extended for 2 years, until June 30, 1964, the provisions of the National Defense Education Act, passed in 1958, to stimulate a nationwide effort to strengthen instruction in science, mathematics, and modern foreign languages. Public Law 87-344.

College housing: Increased the loan authorization by \$300 million for each of the 4 years beginning July 1, 1961, through 1964. Public Law 87-70.

Educational opportunities for migratory farm families: Authorized a 5-year program to aid in educating children of migratory workers. The Federal Government is to pay 100 percent of the program the first 2 years and the States and Federal Government will match costs for the next 3 years. (S. 1124.)

Freedmen's Hospital: Transfers Freedmen's Hospital to Howard University as its teaching hospital. Public Law 87-262.

Juvenile delinquency: Authorized a program of Federal grants to communities and nonprofit agencies of \$10 million a year for 3 years to aid in financing projects to combat juvenile delinquency. Public Law 87-274.

Geodetic Survey: Improved and expanded the Coast and Geodetic Survey Act of 1948 to induce qualified scientists and mathematicians to join the service. Public Law 87-233.

Nurses scholarships: Extended for 4 years (to June 30, 1965), \$5 million a year program for grants and scholarships for training of practical nurses under Vocational Education Act. Public Law 87-22.

Vocational teacher training: Authorized two 1-year programs of Federal grants for training teachers of the deaf, and advanced training of speech pathologists and audiologists. Public Law 87-276.

1962

Higher education: Authorized a 5-year program of higher education for construction and improvement of classrooms, libraries, and laboratories, and scholarship aid for college students. (H.R. 8900—in conference.)

Educational television: Authorized a 5-year, \$32-million program of grants to the States, the District of Columbia, and Puerto Rico, to establish or improve the educational television broadcasting facilities in our public schools, colleges, and in adult training programs. Grantees may be any nonprofit foundation, corporation, or association which is organized primarily to engage in or encourage educational television broadcasting and which is eligible according to the rules and regulations of the Federal Communications Commission in effect on April 12, 1962, to receive a license from the Commission for a noncommercial educational broadcasting station. Public Law 87-447.

NDEA—Student loan payments: Clarified the forgiveness provisions of the National Defense Education Act of 1958 providing Federal loans to college students. Existing law permits canceling repayment up to half of a loan if the recipient becomes a full-time teacher in a public elementary or secondary school. This bill extends this cancellation privilege to students who become teachers in private nonprofit elementary or secondary schools or in colleges or universities. (S. 3326.)

Surplus personal property to schools: Clarified the provisions of existing law permitting disposal of surplus Federal property for activities providing educational or occupational training for mentally retarded children, schools for the physically handicapped, educational television stations, and public libraries. Public Law 87-786.

War orphans education aid: Raised the present ceiling-age of 23 to 31 when a war orphan must have completed his education provided the suspension was due to conditions beyond his control. (H.R. 9737.) Public Law 87-369.

NDEA—Student loans: Authorized an increase in the fund that finances Federal loans to college and university students by raising the ceiling on the fund for the 1963 and 1964 fiscal years to \$125 million a year from the present \$90 million. In addition, it would raise the limit on student loan funds for each participating college or university to \$500,000 from \$250,000. (S. 3760.)

University Extension Act of 1962: Established a publicly supported program of general extension education, at the college level or above, to be operated by State universities and land-grant colleges. Authorized an annual appropriation of \$9,020,000 for fiscal year 1963 and for each of the 3 succeeding years. (S. 3477.)

Federal educational assistance for the District of Columbia: Broadened the provisions of existing law to include the District of Columbia within the areas to receive payments for current operating expenses of public schools because of losses in revenue due to the existence of tax-exempt, federally owned property. (S. 2830.)

District of Columbia teachers' salary increase: Provided an overall increase of approximately 10 percent for District teachers and a 5-percent increase in annuities. (S. 1447.) Public Law 87-369.

Flood disaster study: Directed HHFA to make a study of possible programs to financially assist flood disaster victims, to report and make recommendations within 9 months. (S. 3066.)

Research costs: Authorized Federal agencies, when awarding research and development contracts to education institutions, to provide for payment of a fixed percentage of the direct research or development cost

to cover the indirect overhead costs associated with the work. Public Law 87-638.

Safety standards for hydraulic brake fluid: Improved highway safety by requiring hydraulic brake fluid sold or shipped in commerce for use in motor vehicles must meet certain specifications prescribed by Secretary of Commerce. Public Law 87-637.

State taxation—Interstate commerce income: Extended to July 1, 1963, the reporting date of the congressional studies on all matters affecting State taxation of income derived from interstate commerce. Public Law 87-435.

Alexander Hamilton: Established the former dwelling of Alexander Hamilton as a national shrine in New York. Public Law 87-438.

Bob Hope: Authorized the President to present Bob Hope, in the name of the people of the United States, a gold medal in recognition of his service to his country and to the cause of world peace. Public Law 87-478.

Sagamore Hill National Historic Site: Established Theodore Roosevelt Birthplace and Sagamore Hill National Historic Sites, New York. Public Law 87-547.

Capitol Commission: Established a Commission on Art and Antiquities of the Capitol. (S.J. Res. 195.)

Religious articles—Duty free: Broadened coverage of certain duty-free imports to include cemeteries, schools, hospitals, orphanages, and similar nonprofit activities staffed and controlled by corporations or associations organized and operated for religious reasons. Public Law 87-604.

MacArthur Medal: Authorized the President to award a gold medal to General of the Army Douglas MacArthur. Public Law 87-760.

Social Security Amendments of 1962: Extended and improved public assistance and child welfare service programs of the Social Security Act. Public Law 87-543.

Pension plans: Strengthened the 1958 Welfare and Pension Plans Disclosure Act by providing additional enforcement procedures and imposing criminal sanctions. Public Law 87-420.

School lunches: Authorizes appropriations for school lunches for all needy elementary and secondary public school children in the District of Columbia. (S. 3314.)

Depository libraries: Increased total of depository libraries from 594 to 1,174. Public Law 87-579.

Captioned films for the deaf: Strengthened and improved the existing program of providing captioned films for nonprofit purposes to groups of deaf persons, by authorizing the production and distribution of training films for the deaf, research in the use of educational and training films and training persons in the use of these films for the deaf and raised the established loan ceiling of \$250,000 to \$1,250,000. Public Law 87-715.

Du Pont: Enacted into law the so-called Du Pont bill providing that a distribution of stock made to an individual, or certain corporations, pursuant to an order enforcing the antitrust laws shall be treated as a return of capital; and that the amount of such a distribution made to a corporation shall be the fair market value. Public Law 87-403.

Payments in lieu of taxes: Extended to December 31, 1964, the period in which payments in lieu of taxes may be made to State and local taxing authorities by the Federal Government. Public Law 87-787.

National Cultural Center Week: Proclaimed the period from November 26, 1962, through December 2, 1962, as National Cultural Center Week. (S.J. Res. 214.)

Sam Rayburn Medal: Authorized the Secretary of Treasury to strike and present to the estate of Sam Rayburn a gold medal "for services rendered to the people of the United States." Public Law 87-702.

National Science Foundation amendment: Eliminated the non-Communist disclaimer affidavit required in the existing National Science Foundation Act; made it a crime for any member of a Communist organization to apply for or to use any scholarship or fellowship awarded under section 10 of the act; required each applicant for scholarship or fellowship to provide the NSF with a full statement of the crime of which he has been convicted and information regarding any criminal charges punishable by confinement of 30 days or more. (H.R. 8556.) Public Law 87-.

Pay reform: Enacted a two-step pay-reform measure for the classified, postal, Foreign Service, and Veterans' Administration employees in an effort to lessen the discrepancies between industry and the Federal worker. Public Law 87-793.

Resource buildup 1961

Saline water conversion program: Extended the saline water conversion program, enacted in 1952, from 1962 through 1967 and authorized a total appropriation of \$75 million, but does not limit the annual appropriation to a pro rata share of the total amount. Public Law 87-295.

National fuels study: Approved a resolution authorizing the Senate Interior Committee to make an investigation and study of the current and prospective Government policies, to determine changes for an effective national fuels policy. Report of the findings to be submitted by January 31, 1961. (S. Res. 105.)

Wabash River Commission: Established a Wabash Basin Interagency Water Resources Commission to coordinate Federal, State, and local plans for developing the water and land resources in the Wabash River Basin. (S. 811.)

Cape Cod Park: Established Cape Cod National Seashore Park to preserve for public enjoyment the scenic, scientific, and historic features of the cape. Public Law 87-126.

Migratory waterfowl conservation: Authorized a 7-year migratory waterfowl conservation program permitting advances to States to purchase necessary lands. Public Law 87-383.

Shoreline areas: Authorized the Department of Interior to study mean and costs of acquiring and preserving 14 ocean, lake, and river shoreline areas appropriate for recreational parks. Authorized the Department of Agriculture to study appropriate shorelines within the Nation's 136 million acres of national forests. Each Department is to report its findings and recommendations within 2 years. Authorized \$400,000 for each survey and a grand total of \$25 million of matching funds to assist the States in acquiring State shoreline areas. (S. 543.)

Wilderness bill: Established a National Wilderness Preservation System providing that any time within 10 years, the President may recommend to Congress the permanent inclusion within the wilderness system areas totaling approximately 54 million acres. (S. 174.)

1962

Point Reyes National Seashore: Authorized an appropriation of \$14 million to acquire land to preserve, for public recreational purposes, Point Reyes National Seashore in California. Public Law 87-657.

Padre Island: Established Padre Island National Seashore as a seashore recreational area. Public Law 87-712.

Oceanography: Established a national 10-year program of oceanographic and Great Lakes research to promote commerce and navigation, to secure the national defense, to expand ocean, coastal and Great Lakes resources and to enhance the public health and general welfare. (S. 901.) Public Law 87-.

River and harbors and flood control: Authorized \$3.5 billion for 86 rivers and harbors

projects and 119 flood control projects. (H.R. 13273.) In conference.

Navajo-San Juan-Chama projects: Authorized \$221 million in appropriations to construct the Navajo Indian irrigation project and the San Juan-Chama project to supplement water supplies for domestic and industrial uses, and to provide recreation and fish and wildlife benefits. Public Law 87-483.

Fryingpan-Arkansas project, Colorado: Authorized Department of Interior to spend up to \$170 million to construct facilities for the diversion of water from the Colorado River Basin in western Colorado to the Arkansas River Basin. Water will be used for irrigation, flood control, power, and to meet the municipal water needs of Colorado Springs and other cities. Public Law 87-590.

Great Basin National Park: Established the Great Basin National Park in Nevada to provide additional recreational facilities. (S. 1760.)

Rogue River Basin project, Oregon: Authorized Federal construction of the Agate Dam and Reservoir as an addition to the irrigation works of the Rogue River Valley Irrigation District in Oregon at a total cost of \$1,802,000. Public Law 87-727.

Elephant Butte-Caballo Reservoirs: Provided for establishing additional facilities at Elephant Butte Reservoir and at Caballo Reservoir—cost limited to \$607,000. Public Law 87-542.

Pacific Northwest power preference: Guaranteed permanent priority on Pacific Northwest power to consumers of electricity from Bonneville Power's marketing area, whether public or private users. Permits Bonneville to sell surplus power outside its marketing area but subject to recall when power is needed in the Northwest. Areas given priority include Oregon, Washington, Montana, and, on determination by Secretary of Interior, parts of Nevada, Utah, Wyoming, and Idaho. (S. 3153.)

Arbuckle reclamation project, Oklahoma: Authorized Federal construction of multiple-purpose Arbuckle project in south-central Oklahoma to provide municipal, domestic, industrial water supplies, and flood control at a cost of \$13.3 million, of which \$10.5 million is reimbursable. Public Law 87-594.

Spokane Valley project: Modified earlier legislation to enlarge the present irrigation plant at an estimated cost of \$7,232,000 to furnish more water for irrigation purposes. Public Law 87-630.

Outer Continental Shelf: Extends the authority of the Secretary of Interior to permit the Geological Survey to perform certain of its work in areas outside the continental limits of the United States. Public Law 87-626.

Forest survey authorization: Increased from \$1.5 to \$2.5 million the authorization for keeping current a survey of the Nation's forest resources. Public Law 87-685.

World Conference on National Parks: Authorized the Secretary of Interior to cooperate with the First World Conference on National Parks to be held in Seattle in July of this year. The Conference is sponsored by the International Union for the Conservation of Nature, an international body of nations and organizations concerned with conservation of the world's resources. Public Law 87-504.

Flathead Indian irrigation project, Montana: Authorized appropriations of \$6.2 million for completion of irrigation and power distribution system of Flathead Indian irrigation project in northwestern Montana. (S. 1912.)

Mann Creek reclamation project, Idaho: Authorized \$3.4 million for Federal construction of Mann Creek Federal reclamation project in Idaho for irrigation and recreational purposes. Public Law 87-589.

Waurika reclamation project, Oklahoma: Authorized \$25 million for Federal construc-

tion of the multipurpose Waurika reclamation project in Oklahoma to furnish water supplies, irrigate land, flood control, and recreational purposes. (S. 114.)

Oysterbeds—Delaware Bay: Authorized \$100,000 for grants to five States presently involved in rehabilitating oysterbeds in Delaware Bay—grants to be used for research and related activities necessary in developing and propagating disease-resistant strains of oysters. Public Law 87-580.

Sport fish study: Authorized an annual appropriation of \$2.5 million for Department of Interior to make a genetics study of sport fish to develop new strains by selective breeding and to generally rehabilitate fishing resources. (S. 1542.)

Delaware-New Jersey compact: Granted congressional consent to States of Delaware and New Jersey to enter into a compact to establish the Delaware River and Bay Authority for developing the border areas. Public Law 87-678.

Fish and wildlife: Authorized the use of national fish and wildlife conservation areas for public recreation. Public Law 87-714.

Outdoor Recreation Act of 1962: Establish Bureau of Outdoor Recreation in Department of Interior with overall responsibility for leadership of a nationwide effort by coordinating various Federal programs and assisting other levels of government to meet demands for outdoor recreation. (S. 3117.)

Minerals study: Authorized a comprehensive 2-year study of the efficacy of modern metallurgical methods including electrometallurgy on ores found in the United States. Study to be made under direction of Secretary of Interior in cooperation with other agencies of the Federal Government, with the States, and with private industry. (S.J. Res. 136.)

Quincy Columbia Basin contract: Approved the execution of an amended repayment contract with the Quincy Columbia Basin Irrigation District and with either or both of the other two Columbia Basin project districts. Amended contract is to increase the average construction charge from \$85 to \$131.60 per irrigable acre and extend the repayment period to 50 years. Public Law 87-728.

Baker reclamation project, Oregon: Authorized Federal construction of a \$6,168,000 multipurpose reclamation, flood control, and recreational project in northeastern Oregon. Public Law 87-706.

National Fisheries Center and Aquarium in District of Columbia: Authorized Federal construction and operation of a \$10 million National Fisheries Center and Aquarium in the District of Columbia. Public Law 87-758.

Oil shale reserves: Authorized Secretary of Navy to take possession of and administer the naval oil shale reserves, and authorized Secretary of Interior to take possession of and administer the experimental mine and plant located on Naval Shale Reserves Nos. 1 and 3 near Rifle, Colo. (H.R. 5423.) Public Law 87- .

Chief Joseph Dam project, Washington: Authorized \$3,210,000 for construction of control works and a pumping plant at Palmer Lake to enlarge the facilities to irrigate an additional 1,500 acres and supply about 3,650 acre-feet of supplemental water annually to the remaining irrigable area. Public Law 87-762.

Veterans' aid

1961

Disabled veterans' compensation increase: Provided increases in rates of service-connected disability compensation (to reflect cost-of-living increases since last compensation raise in 1957) ranging from 2.6 to 16.7 percent, depending upon degree of disability; restores for 2 years after January 1, 1962, the eligibility of veterans who served between October 8, 1940, and April 24, 1951, to apply

for national service life insurance. (H.R. 879.)

Disability benefits: Increased weekly disability benefits for longshoremen and harbor workers to \$70 (from \$54); provided comparable increases in death cases from \$81 to \$105; and increased statutory maximum compensation payable for all injuries other than cases of permanent total disability or death from \$17,280 to \$24,000. Public Law 87-87.

Veterans' widows: Increased payments to veterans' widows. Public Law 87-268.

Veterans' home loans: Extended direct and guaranteed home loan programs for World War II veterans to July 26, 1967, and for Korean conflict veterans to February 1, 1975; authorized an additional \$1.2 billion for direct loan program through fiscal 1967. Public Law 87-84.

1962

Disability compensation increase: Provided for increases from 5.3 to 11.1 percent for veterans disabled 10 to 100 percent, retroactive to July 1, 1962. Public Law 87-645.

Veterans' Administration: Appropriated an additional \$55 million for readjustment benefits payments to Korean war veterans attending school under the GI bill of rights; and provided for a \$115,247,000 increase, by transfer, in the VA loan guarantee revolving fund to enable the Federal Government to repossess homes on which GI home mortgages have been foreclosed. Public Law 87-404.

Veterans: Extended the time during which individuals affected by Public Law 87-117 may pursue and complete a program of education or training under the Korean GI bill or the War Orphans' Education Act. The individuals affected served an additional tour of duty because of the war threats in 1961. (S. 2697.) Public Law 87- .

VA pensions—Hospitalization: Continue pensions for married veterans while hospitalized in veterans' hospitals. Public Law 87-556.

Disability compensation: Increases compensation for certain veterans disabled by blindness or kidney involvements. Public Law 87-610.

National Service Life Insurance—Assignments: Broadened assignment provisions of national service life insurance available to World War II veterans and maturing on or after date of enactment of this bill. Public Law 87-557.

War Orphans' Educational Assistance Act: Permits eligible beneficiaries under the War Orphans' Educational Assistance Act to attend foreign educational institutions. Public Law 87-546.

VA—Hospital and medical care: Furnished hospital and medical care, including outpatient treatment, to peacetime ex-service-men for service-connected disabilities on same basis as care and treatment is furnished war veterans. Public Law 87-583.

Deceased veterans' benefits: Permits payment of compensation, retirement, or pension benefits withheld from deceased veterans during VA hospitalization only to spouse, children, or dependent parents. Public Law 87-544.

Prosthetic research—VA: Removed the \$1 million ceiling on funds for research in the fields of prosthesis, prosthetic appliances, orthopedic appliances, and sensory devices. Public Law 87-557.

Endowment at age 96: Permits veterans holding U.S. Government life insurance to exchange for a policy providing death protection only—with reduced premiums. Public Law 87-549.

Blind veterans: Vocational rehabilitation.—Permits World War II or Korean veterans blinded by reason of a service-connected disability to obtain vocational rehabilitation training up to June 30, 1975. Public Law 87-591.

GI insurance: Reopened GI insurance program to millions of World War II and Korean war veterans, and makes the insurance available at premiums varying with the veteran's age. (S. 3597—in conference.)

VA—Prosthetic appliances: Broadened the provisions of existing law by authorizing the Veterans' Administration to repair or replace a prosthetic or other appliance (other than dental appliances) if the appliance is damaged or destroyed in a fall or other accident caused by a compensable service-connected disability. (H.R. 6190.) Public Law 87- .

Elections and the White House

1961

Federal election laws: Passed a clean-elections bill to strengthen our electoral system, provide more realistic ceilings on campaign expenses, make available at the State level information on campaign financing, and provides for a tax credit for political contributions to candidates for Federal office or to political committees acting for such candidates. (S. 2426.)

National conventions: The Senate adopted unanimously a resolution expressing as the sense of the Senate that the party conventions held every 4 years to nominate candidates for President and Vice President should not be commenced prior to the first Monday in September of the year in which the election is to be held. (S. Res. 141.)

District of Columbia elections: Implements the 23d amendment to the Constitution giving the residents of the District of Columbia the right to vote for President and Vice President; retains the voting age at 21 and provides for a 1-year residency requirement. Public Law 87-389.

White House: Established the White House as a national monument. Public Law 87-286.

1962

Poll taxes abolished: Congress approved a constitutional amendment barring the requirement of a poll tax as a qualification for voting in Federal elections and primaries. The amendment, if ratified by three-fourths of the States within 7 years, will become the 24th amendment to the Constitution. There are only five States with such a requirement: Alabama, Arkansas, Mississippi, Texas, and Virginia. (S.J. Res. 29—submitted to States.)

White House Police force: Created a permanent White House Police force under the supervision and control of the Secretary of the Treasury to protect the Executive Mansion and grounds in the District, any building in which White House offices are located, and the President and members of his immediate family. Increased the force from 170 to 250. Public Law 87-481.

Reorganization and Government aids

1961

Government reorganization: Restored the authority of the President to submit plans for the reorganization of the Government. Public Law 87-18.

Civil Rights Commission: Extends the life of the Commission for 2 years, or until September 30, 1963. Public Law 87-264.

HEW: Authorized two additional Assistant Secretaries—one to handle international affairs, the second to handle medical and scientific matters. (S. 2073.)

Labor: Authorized an additional Assistant Secretary to perform functions relating primarily to the employment and effective utilization of women in our labor force. Public Law 87-137.

FTC reorganization: Provided for the reorganization of the Federal Trade Commission to expedite the present workload (plan No. 4). Effective July 9.

CAB reorganization: Authorized the reorganization of the Civil Aeronautics Board to provide greater flexibility and a more expeditious handling of CAB cases (plan No. 3). Effective July 3.

Maritime reorganization: Authorized reorganization of Maritime Board (plan No. 7). Effective August 12.

ICC reorganization: Authorized reorganization of Interstate Commerce Commission. Public Law 87-247.

FCC reorganization: Authorized FCC to delegate functions in adjudicatory cases to expedite and improve the administrative process. Public Law 87-192.

SEC investigation: Authorized \$750,000 for the Securities and Exchange Commission to conduct a special investigation of the adequacy of its rules, for the protection of the investor, governing stock exchanges and over-the-counter securities trading. SEC is to report its findings to Congress by January 3, 1963. Public Law 87-196.

Internal revenue employees: Appropriated funds for an additional 4,265 Internal Revenue Service employees. Public Law 87-159.

Alien employment: Removed the prohibition against Department of Commerce employing alien scientists and technicians in an effort to relieve a general shortage of personnel in scientific, engineering, and technical areas. (S. 2236.)

Travel expenses: Increased the allowances of Government employees for traveling expenses when on official business. Increases include from \$10 to \$16 per diem allowances and from 10 to 12 cents a mile by private automobile. Public Law 87-139.

Interstate commerce—Property destruction: Strengthened existing Federal law by making it unlawful to destroy, injure, set fire to, or otherwise damage goods moving in interstate or foreign commerce, break into or enter any railroad car, vessel, aircraft, truck, or other vehicle for such purpose. Public Law 87-221.

Rural carriers: Increased equipment allowance for rural mail carriers to 12 cents a mile. (S. 189.)

Postal employees: Extended to employees in the postal field service the same salary retention protection in cases of reduction in grade as provided under the Classification Act since 1956. Public Law 87-270.

Scientific and supergrades: Authorized an additional 480 supergrade positions and 280 additional scientific positions for the executive branch. Public Law 87-367.

NSLI special dividend: Authorized the payment of a special insurance dividend averaging from \$100 to \$150, for those veterans who have RS or W insurance. The RS insurance is entirely term insurance and the premium increases at the end of each 5-year period. The W insurance is both term and permanent, with the increased rate at the end of each 5-year period. Public Law 87-233.

1962

Reorganization Plan II: Established Office of Science and Technology as a new unit within the Executive Office of the President—capable of and designed to keep the President informed and advised on national policy matters relating to science and technology. (Plan went into effect June 8, 1962.)

Science and Technology Commission: Creates a 12-member Commission on Science and Technology to strengthen American Science and Technology. (S. 2771.)

SEC reorganization: Permits Securities and Exchange Commission to lighten its workload by delegating certain functions to individual commissioners or staff members; gives rulings or decisions made by a single commissioner or staff member the same force and effect of judgment by the full commission. The commission, however, can review any decision and would be required to do so on the request of a single commissioner. Public Law 87-592.

Postal-rate increase: Raised postal rates to produce an estimated \$600 million in additional revenues to cut the large postal deficit. Increased first class from 4 to 5 cents an ounce, airmail from 7 to 8 cents effective

next January 7; with graduated increases for second- and third-class mail. (H.R. 7927.) Public Law 87- .

Federal Reserve System: Authorized the Federal Reserve System to spend an additional \$30 million to build branches and other facilities. Public Law 87-622.

Census reports—Confidential status: Specifically provided that company-retained copies of reports submitted to the Census Bureau be kept confidential. (S. 3631.)

Equal pay for women: Prohibited an employer from discriminating on the basis of sex in paying wages to men and women for equal work on jobs requiring equal skills. (H.R. 11880—in conference.)

Conflicts of interest: Enacted a measure making major revisions in Federal Government conflicts-of-interest laws to make uniform and bring up to date existing laws aimed at preventing present and former Government employees from improperly mixing private interest with their public office. (H.R. 8140.) Public Law 87- .

FCC: Added a new section to the Communications Act of 1934 to grant authority to the Commission to impose monetary forfeitures for violation of the Commission's rules and regulations by radio stations operating the common carrier and safety and special radio fields. It also provides for the remission or mediation by the Commission of such forfeitures if warranted. Public Law 87-448.

Federal Power Commission: Authorized the FPC to delegate certain matters pending before it to an individual commissioner, commissioners, or to one or more officers or employees of the Commission; however, the Commission retained a discretionary right of review of any action taken under a delegation of authority by a vote for review of two of the five member commissioners. (S. 1605.)

Commerce: Enacted into law authority for an additional Assistant Secretary of Commerce to provide an effective review of the expanding scientific activities within the Department. Public Law 87-405.

FCC—Station license: Authorized the Federal Communications Commission to renew a license in the safety and special radio services field more than 30 days prior to the expiration of the original license. Public Law 87-439.

FCC—American Samoa: Authorized the Federal Communications Commission to issue radio operator licenses to natives of American Samoa who are nationals of the United States and owe allegiance to it, but to whom full citizenship has not been extended. Public Law 87-445.

FCC documents: Repealed the requirement that, prior to submission, all annual and certain other reports, applications for construction permits, station licenses, modifications, or renewals must be notarized. Public Law 87-444.

Music for blind: Establishes in the Library of Congress a library of musical scores and other educational materials for blind persons. Public Law 87-765.

Household and personal effects under Government orders: Extends to July 1, 1964, free-entry provisions for personal and household effects brought into the United States under Government orders. (H.R. 12180.) Public Law 87-790.

Government Training Act: Restored travel authority to attend training meetings to Foreign Service employees of Department of State, Tennessee Valley Authority, and Presidential appointees. Public Law 87-566.

U.S. Park Police: Provided for the creation of trial boards for the U.S. Park Police as a means of assuring better discipline and more equitable treatment. (H.R. 8567.) Public Law 87- .

Government employees—Pacific Islands: Extends benefits of the Federal Employees'

Compensation Act to employees who perform services for the Government of the Trust Territory of the Pacific Islands under an appointment from the Department of Interior or any other Federal agency. (S. 3319.)

Coast and Geodetic Survey: Restored permanent authority for retired vessel employees of the Coast and Geodetic Survey and their dependents to receive treatment at Public Health Services facilities. Provides for an eventual transition to medical care coverage under the Federal Employees' Health Benefits Act of 1959, rather than under the Public Health Service Act, for retired vessel employees and for dependents of all vessel employees, active or retired. (S. 3318.)

U.S. marshals' fees: Increases fees for U.S. marshals' services to private litigants. Public Law 87-621.

Hatch Act: Liberalized the provision requiring the Civil Service Commission to impose a minimum penalty of 90 days' suspension for violations of section 9 of the Hatch Act by reducing the suspension period to 30 days. Public Law 87-753.

Trust territory: Removed ceiling on authorization for government of Trust Territory of the Pacific Islands. Public Law 87-541.

Guamanian benefits: Provided benefits under War Claims Act for Guamanians killed or captured by Japanese at Wake Island. Public Law 87-617.

Lake Ontario water level: Authorized investigation of citizens' claims resulting from artificial raising of Lake Ontario water level by Canada. Public Law 87-587.

One-cent piece: Eliminated tin in the alloy of the 1-cent piece. Public Law 87-643.

Home loan bank directors: Extended to the Commonwealth of Puerto Rico a status comparable to that of a State in the nomination and election of directors of the Federal home loan bank of the district in which Puerto Rico is located. Public Law 87-676.

U.S. real property: Permitted executive agencies to grant easements over real property under the control of the agency, provided the easement will not be adverse to U.S. interests. (H.R. 8355.) Public Law 87- .

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. KEFAUVER:

Letter by him to the Attorney General on the case of Nicolae Malaxa, and his relationships with former Vice President Richard M. Nixon.

By Mr. METCALF:

Letter dated October 10, 1962, from Attorney General Robert F. Kennedy to Senator Church, of Idaho, commending him for his work in anticrime legislation.

COLUMBUS DAY

Mr. KEATING. Mr. President, about 470 years ago, the brave Italian sailor, Christopher Columbus, set sail under the Spanish flag to discover the Spice Islands, to seek the wealth of the Indies. He died believing he had accomplished his goal. Little did Columbus know that the land on which he set foot was the sprawling, sparsely settled land of America—a country with a future of greatness and prosperity. Four hundred and seventy years ago today, this brave Italian opened the door to the future of a great country and continent.

Mr. President, every child's textbook, every American history book, describes the harrowing adventures of this great Italian seaman: the tossing seas, the fierce winds, the shipboard plagues and turmoil. But out of struggle oftentimes comes greatness—and, to be sure, this old maxim proved true. Columbus discovered a land which was to offer not only vast resources and riches to the world, but also was to stand as a symbol of hope and promise to the world's oppressed.

America has attracted people from many lands, from all walks of life. To them, it has offered new hope and new lives. In turn, these people have brought to America gifts, skills, and abilities. And from Italy, the homeland of Columbus, have come many great and gifted citizens: Doctors, lawyers, singers, actors, craftsmen—people who over the years have made America great. Mr. President, America is proud of the Italians who have come to this country. They have added to the culture of America; they have contributed to the industrial growth and economic prosperity of this great land. Beginning with Columbus, our Nation owes a debt of gratitude to the millions who have braved the vast expanse of the Atlantic to find new opportunity in the land Columbus discovered. Today we pay them tribute and congratulate them all on their rich contributions to the American way of life.

DRINK MILK, EAT PLENTY OF BUTTER TO BE HEALTHY, AMA SAYS

Mr. PROXMIRE. Mr. President, this year our Wisconsin farmers have been in trouble. Their income has already been slashed 10 percent because the Government has cut price supports. And why did they? Not because of overproduction by the farmers, but because of a decrease in consumption, not only on a per capita basis, but also in total volume. This drop in milk drinking was in spite of a rising population—2 million bigger than the year before. The people of the United States as a whole are consuming smaller amounts of dairy products. Why?

Here is why: There has been a suspicion or a rumor or a feeling on the part of many Americans that dairy products cause cholesterol, and result in early death through heart disease.

For these reasons I am delighted to find that the American Medical Association—certainly the outstanding authority in this field—spoke out yesterday in very definite terms. It pointed out that "The anticholesterol 'food fad' is a wasted, dangerous effort"—"not just foolish and futile; it also carries some risk." The American Medical Association proceeded to indict not only the food faddists but the advertisers of anticholesterol foods, including the producers of margarine and other substitutes for butter, who have said that butter can be dangerous to health.

The association states that the following diet is the best the American people can have: milk, cheese, ice cream, beef, veal, lamb, pork, poultry, eggs, fish, but-

ter—and I stress butter—margarine, fats, and oils.

Mr. President, I earnestly hope that the story to which I refer, which was published on the front page of the New York Times, is being reported by newspapers throughout the country. I also hope the American people will realize that there is no better authority on diet than the American Medical Association, and will recognize that all the talk to the effect that dairy products are potentially harmful has no support whatever by the outstanding authority on this subject in the country.

I ask unanimous consent that the article to which I have referred be printed at this point in the RECORD, in connection with my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 12, 1962]

ANTIFAT FOOD FAD ASSAILED BY AMA

(By Austin C. Wehrwein)

CHICAGO, October 11.—The anticholesterol food fad is a wasted, dangerous effort, the American Medical Association said today.

The association had in mind widespread fears linking animal fats to heart attacks.

"The antifat, anticholesterol fad is not just foolish and futile; it also carries some risk," the group said.

Its five-page statement was designed as a warning both to what is called "do-it-yourself Americans" and to food processors who have built advertising campaigns on cooking oils, margarine and other foods derived from vegetable oils.

Few medical subjects have aroused more interest among laymen than discussion of the connection between dairy and meat products and heart trouble. Both the meat and the dairy industry have been up in arms about the antifat campaign for some time.

Today's statement was a sequel to a report in the August 4 issue of the Journal of the American Medical Association. That report was issued by the 12-member AMA Council on Foods and Nutrition headed by Dr. William J. Darby of the Vanderbilt Medical School.

That report suggested that only physicians ought to consider altering the diets of patients with hardening of the arteries. However, at least one vegetable oil company used portions of the report in a national advertising campaign.

Today's statement, prepared under the supervision of Dr. Philip L. White, executive secretary of the council on foods, said:

"Dieters who believe they can cut down their blood cholesterol without medical supervision are in for a rude awakening. It can't be done. It could even be dangerous to try."

CHOLESTEROL IS DEFINED

Cholesterol is a white, fatty crystalline alcohol. Produced by the body, it coats the inner surface of arteries somewhat as a pipe would be clogged by minerals in water. This coating tends to restrict blood flow.

The report said that only laboratory tests could show whether an individual had excessive cholesterol in his blood and whether a change of diet would raise or lower the level.

"Willy-nilly substitution of a few food items without overall control of the diet accomplishes little if anything in reducing cholesterol," the report said, continuing:

"What is more important, the elimination of certain foods of proven nutritional value could be detrimental to health."

Success in reducing blood cholesterol by diet has been achieved only in strictly con-

trolled experimental groups, the report said.

The experiments are not yet of "practical importance to the general public," it said.

"There have been few investigations," the report said, "on the effect of different types of fat in the normal diet over a long period of time. It is not known what type of fat, if any, may be beneficial in preventing heart disease, nor is it known that certain fats are harmful."

Generally, it continued, the American diet provides all the nutrients essential to health and a varied diet, is the best rule for health.

"Any changes in a diet of such proved worth must await much more study and experience," the report warned.

The statement said that the council of foods recommended this diet: milk, cheese, ice cream, beef, veal, lamb, pork, poultry, eggs, fish, butter, margarine, fats and oils.

"Even those on weight-reduction regimens need food from all these groups," the statement said.

"Although someday science may come up with a diet that can prevent heart disease, such a development appears to be well into the future," the statement said.

Although science is seeking ways to reduce cholesterol, and drugs may turn out to be the best way, high blood cholesterol is only one of the factors in heart disease, the statement said.

The danger is that when an individual omits certain foods, he runs the risk of depriving his body of essential nutrients, it said. It concluded:

"The current concern about diet reflects a healthy interest on the part of the public. This interest should be directed away from hopeless pursuits to a worthwhile goal that can be attained by most individuals—maintaining normal weight. Overweight plays the villain in many diseases, and overweight can be avoided by not eating more calories than the body needs."

The August report had recommended a reduction in the consumption of saturated fats, contributed chiefly by dairy products and meat, and substitution of polyunsaturated fats, found in such vegetable oils as those made from corn, cottonseed, soybeans and safflower.

In laymen's terms, saturated fats are solid at room temperature, as in the case of lard, whereas the other kind are liquid, as in the case of corn cooking oil.

The council report said, however, that there was no clear proof that hardening of the arteries was caused by concentrations of fat in the blood.

INCORPORATORS OF COMMUNICATIONS SATELLITE CORPORATION

Mr. PASTORE. Mr. President, I make the following statement on behalf of the distinguished Senator from Oklahoma [Mr. KERR], chairman of the Senate Space Committee, and myself, as chairman of the Subcommittee on Communications of the Senate Commerce Committee.

On October 4, 1962, the President of the United States, pursuant to section 302 of the Communications Satellite Act of 1962 (Public Law 87-624, 87th Cong.) referred to the Senate 13 names to be incorporators. Section 302 of such act stated that—

The President of the United States shall appoint incorporators, by and with the advice and consent of the Senate, who shall serve as the initial board of directors until the first annual meeting of stockholders or until their successors are elected and qualified. Such incorporators shall arrange for an initial stock offering and take whatever other

actions are necessary to establish the corporation, including the filing of articles of incorporation, as approved by the President.

The names submitted by the President were Edgar F. Kaiser, David M. Kennedy, Philip M. Graham, Sidney J. Weinberg, Bruce Sundlun, A. Byrne Litschgi, Beardsley Graham, Leonard Woodcock, Sam Harris, George Feldman, Leonard Marks, John T. Connor, and George L. Killion. These incorporators were referred by the Senate to the Senate Space Committee and the Commerce Committee.

It would be extremely difficult and almost impossible to conduct hearings and report the nominations in time for action by the Senate during this session of the Congress. Therefore, because of the time element involved and the anticipated adjournment of the Congress, it has been suggested to the President that he offer recess appointments to the nominees so that the business of proceeding with the establishment of the corporation can proceed without delay and the Senate can act on his nominations after our return in January.

These incorporators will arrange for an initial stock offering and take whatever actions are necessary to establish the corporation, including the filing of the articles of incorporation as approved by the President. The permanent directors will be chosen subsequent to the issuance of stock and will be elected by the stockholders of the corporation. At the time of such election the President will appoint, subject to the advice and consent of the Senate, three directors to the corporation.

For the benefit of the Members of the Senate I am submitting for the RECORD, and ask unanimous consent to have printed in the RECORD, the biographies of the nominees selected by President Kennedy as incorporators of the Communications Satellite Corporation.

There being no objection, the biographies were ordered to be printed in the RECORD, as follows:

RÉSUMÉ CONCERNING MR. EDGAR F. KAISER

Vital statistics: (1) Edgar F. Kaiser, son of Henry J. Kaiser and Bessie Foshburgh Kaiser, was born July 29, 1908, at Spokane, Wash.; (2) he married Sue Mead Kaiser in August 1932 (though born in Australia, Sue Mead Kaiser is a citizen of the United States by reason of the U.S. citizenship of her parents.)

Education: (1) high school, Oakland, Calif.; (2) University of California, 1927-30—majored in economics.

Early career:

1. Engaged in part-time work for a predecessor of the present Henry J. Kaiser Co. while attending school.

2. Construction superintendent for a predecessor of the present Henry J. Kaiser Co. on pipeline installation in Kansas and Montana from 1930-32.

3. Years 1932-33—shift superintendent on Hoover Dam, Nev., constructed by Six Companies, Inc., in which a predecessor of the present Henry J. Kaiser Co. was a stockholder.

4. Years 1934-38—administrative manager, Bonneville Dam, Oreg., constructed by Columbia Construction Co., in which a predecessor of the present Henry J. Kaiser Co. was a stockholder.

5. Years 1938-41—administrative manager of Grand Coulee Dam, Wash., constructed

by Consolidated Builders, Inc., in which a predecessor of the present Henry J. Kaiser Co. was a stockholder.

6. Years 1941-45—vice president and general manager of Oregon Shipbuilding Corp. (in which a predecessor of the present Henry J. Kaiser Co. was a stockholder) and Kaiser Co., Inc. (now Kaiser Steel Corp.). These companies operated three shipyards in the Portland, Oreg., area which built merchant ships during World War II for the Maritime Administration and baby aircraft carriers for the Navy.

7. In 1946 Mr. Kaiser became vice president and general manager of the Kaiser-Frazier Corp. (now Kaiser Industries Corp.) which manufactured automobiles and he later became president of that corporation and also of Willys Motors, Inc., upon acquisition by it of the Jeep vehicle and passenger car business of Willys-Overland Corp.

Current activities and interests:

1. President and director of Kaiser Industries Corp. which is engaged in the production of aircraft and missile components and electronic devices and is also engaged in radio and television broadcasting. Also, Kaiser Industries Corp. is the owner of all of the stock of Henry J. Kaiser Co. (engaged directly or indirectly through subsidiaries in engineering and construction on a national and international scale, sand and gravel operations in the San Francisco Bay area and land and community development in Hawaii, California, and Oregon). Kaiser Industries Corp. is also the owner of all the common stock of Willys Motors, Inc., which is engaged directly or indirectly through subsidiaries or affiliates in the production and sale of Jeep vehicles and other vehicles in the United States and abroad.

2. Attached as exhibit A is a list of all of the corporations in which Edgar Kaiser is an officer or director or both. Except for the Bank of America, N.T. and S.A., and the corporations designated as nonprofit corporations on exhibit A attached, Kaiser Industries Corp. is directly or indirectly a stockholder of all such corporations in which Mr. Kaiser is listed as an officer or director on said exhibit A.

3. Attached as exhibit B is a chart showing the principal corporations in which Kaiser Industries Corp. directly or indirectly owns an interest; namely, Henry J. Kaiser Co. and Willys Motors, Inc. (whose principal businesses are described above), Kaiser Steel Corp. (engaged primarily in the manufacture and sale of iron and steel products and the fabrication of steel products), Kaiser Aluminum & Chemical Corp. (engaged primarily in the manufacture and sale of aluminum, refractories and chemical products), Permanente Cement Co. (engaged primarily in the production and sale of cement and through its wholly owned subsidiary, Kaiser Gypsum Co., in the manufacture of gypsum and acoustical products), and Kaiser Community Homes (engaged primarily in land and community developments). All of such principal corporations own interests in other corporations in many of which Mr. Kaiser is an officer or director or both as shown on exhibit A attached hereto.

Memberships, honors, and degrees:

1. Principal groups and other organizations with which Mr. Kaiser is associated are as follows:

Alameda County United Fund, Oakland, Calif., board of governors.

Allen-Chase Foundation Eaglebrook School, Deerfield, Mass., trustee.

AMA Automotive Safety Foundation, Detroit, Mich., trustee.

American Freedom from Hunger Foundation, Inc., trustee.

American Ordnance Association, Washington, D.C., member.

American Society of Civil Engineers, New York, member.

Association of the U.S. Army, Washington, D.C., member.

Automobile Old Timers, New York, life member.

Business Council for International Understanding, New York, member policy board.

The Beavers, Los Angeles, Calif., senior vice president, 1960; president, 1961; member.

California Committee for the Eisenhower Presidential Library, member.

Carnegie Endowment for International Peace, New York, member board of trustees.

Chi Psi Fraternity, member.

Claremont Country Club, Oakland, Calif., member.

Commonwealth Club of California, San Francisco, Calif., member.

Committee on Latin American Business Advisory Council, member.

Detroit Club, Detroit, Mich., member.

Community Health Association, Detroit, Mich., board of governors.

The Kaiser Foundation (a charitable trust) president and director.

National Council of Boy Scouts of America, member at large.

National Industrial Conference Board, Inc., New York, member.

Newcomen Society of England, American Branch, member.

Northern California World Trade Group, San Francisco, Calif., member.

Pacific Union Club, San Francisco, Calif., member.

Pan American Society of United States, council member, lifetime member.

President's Committee on Equal Employment Opportunity, Washington, D.C., member.

President's Missile Sites Labor Commission, Washington, D.C., member.

President's Committee on Status of Women, Washington, D.C., member.

The Recess Club, New York, member.

San Francisco Bay Area Council, San Francisco, Calif., president, 1958-59, 1960; chairman, 1960; director.

Society of Automotive Engineers, Inc., New York, member.

Society of Naval Architects and Marine Engineers, member.

Stanford Research Institute Menlo Park, Calif., board of directors.

West Virginia Society of the District of Columbia, life member.

2. Mr. Kaiser holds honorary LL.D.'s from the University of Portland and Pepperdine College.

Exhibit A

List of corporate offices held by Edgar F. Kaiser:

Bank of America, National Trust and Savings, Association, San Francisco, Calif., director.

Kaiser Industries Corp., director and president.

Henry J. Kaiser Co., director and president.

Foothill Electric Corp., director and president.

Gilpin Construction Co., Ltd., Vancouver, British Columbia, Canada, chairman of the board of directors.

Hawaii Kai Community Services Co., director and president.

The Kaiser Co., director and president.

Kaiser Engineers and Constructors, Inc., director and president.

Kaiser Engineers International, Inc., director and president.

Kaiser Engineers Overseas Corp., director and president.

Kaiser Engineers Pakistan, Inc., director and president.

Kaiser Hawaii Kai Development Co., director and president.

Kaiser-Teleprompter of Hawaii, Inc., vice chairman of the board.

Kaiser International, Ltd., director and president.

Kaiser Office Corp., director.

Henry J. Kaiser Co. (Canada), Ltd., Westmount, Quebec, Canada, chairman of the board of directors.

National Steel & Shipbuilding Co., chairman of the board of directors and president. Kaiser Electronics Corp., chairman of the board.

Kaiser Fleetwings, Inc., vice chairman of the board of directors.

Kaiser Metal Products Co., vice chairman of the board of directors.

Willis Motors, Inc., Toledo, Ohio, chairman of the board of directors.

Willis-Overland Export Corp., Toledo, Ohio, chairman of the board of directors.

Kaiser Engineers International Corp., president and director.

Industrias Kaiser Argentina Sociedad Anonima Industrial, Comercial y Financiera, Buenos Aires, Argentina, director.

Kaiser Aluminum & Chemical Corp., chairman of the board of directors.

Kaiser Aluminum & Chemical Sales, Inc., chairman of the board of directors.

Kaiser Aluminum International Corp., chairman of the board of directors.

Kaiser Bauxite Co., chairman of the board of directors.

Kaiser Exploration Co., chairman of the board of directors.

Permanente Cement Co., chairman of the board of directors.

Glacier Sand & Gravel Co., chairman of the board of directors.

Kaiser Gypsum Co., Inc., chairman of the board of directors.

Gypsum Carrier, Inc., chairman of the board of directors.

Permanente Steamship Corp., chairman of the board of directors.

Permanente Trucking Co., chairman of the board of directors.

Kaiser Steel Corp., chairman of the board of directors.

Kaiser Community Homes, vice president.

Kaiser Center, Inc., vice chairman of the board of directors and president.

Kaiser Foundation Hospitals,¹ director and president.

Kaiser Foundation Health Plan, Inc.,¹ director and president.

Kaiser Foundation Health Plan of Oregon,¹ director and president.

Dapite, Inc.¹ (wholly owned by Kaiser Foundation Health Plan, Inc.), director.

Kaiser Foundation School of Nursing,¹ director and president.

The Utah Permanente Hospital,¹ director and president.

Sequoia Corp., Nassau, Bahamas, director.

Hindustan Aluminium Corp., Ltd., Bombay, director.

Mysore Cements, Ltd., Bangalore, director.

NOTE.—Unless otherwise indicated the mailing address of the above-listed companies is 300 Lakeside Drive, Oakland, Calif.

DAVID M. KENNEDY

Born: Randolph, Utah, July 21, 1905.

Education: 1928, A.B. Weber College, Ogden, Utah; 1935, A.M. George Washington University, Washington; 1937, LL.B.; 1939, grad., Graduate School Banking, Rutgers University.

Marital status: Married.

Experience: Years 1930-46, member of staff, Board of Governors, Federal Reserve System, serving successively as technical assistant, director, bank operations, economist, division research and statistics and as special assistant to Chairman, Board of Governors; 1946, became vice president, bond department, Continental Illinois, National Bank & Trust Co., Chicago; 1954-56, vice president; 1956-59, director-president; 1959, chairman of board, chief executive officer; 1953-54, assistant to Secretary, U.S. Treasury, director, International Harvester Corp., Commonwealth Edison Co.; trustee, Equita-

ble Life Insurance Co. of Iowa; director, Abbott Laboratory; director, U.S. Gypsum, Swift & Co.; trustee, Sears, Roebuck & Co., pension and profit sharing trust fund.

Clubs: Bankers University; Union League, Chicago; Old Elm Country; Glenview Country.

Home: 33 Meadow View Drive, North Field, Ill.

Office: 231 S. LaSalle Street, Chicago.

BIOGRAPHICAL DATA—PHILIP L. GRAHAM

Address: Office, the Washington Post, 1515 L Street NW., Washington, D.C.; home, 2920 R Street NW., Washington, D.C.

Date and place of birth: Terry, S. Dak., July 18, 1915; family moved to southeast Florida, 1921.

Career: Attended public schools of Miami, Fla., and the University of Florida (A.B., 1936), and was graduated from Harvard Law School in 1939 (LL.B.); was president of the Harvard Law Review.

Served as law secretary for 1 year each under Justice Stanley Reed (1939-40) and Justice Felix Frankfurter (1940-41) of the Supreme Court of the United States.

In 1941 joined the General Counsel's Office of the Lend-Lease Administration and the Office of Emergency Management.

Entered the Army Air Force as a private in 1942. Commissioned in 1943. Served with Military Intelligence and later attached to Headquarters, Far East Air Forces in Southwest Pacific. Discharged as major. Legion of Merit.

Became associate publisher of the Washington Post, January, 1 1946, and publisher in June of the same year. Now president of the Washington Post Co., which publishes the Washington Post, Newsweek, Art News & Portfolio; own and operate WTOP-TV, AM and FM in Washington, D.C., and WJXT in Jacksonville, Fla. Chairman of the board of Newsweek which was purchased by the Washington Post Co. in March of 1961.

In June 1940 married Katharine Meyer. Four children: Elizabeth Morris, Donald Edward, William Welsh, and Stephen Meyer.

Director, National Press Building Corp.; director, the Advertising Council, Inc.; director, American Council To Improve Our Neighborhoods; trustee, Committee for Economic Development; trustee, University of Chicago; trustee, Rand Corp.

Member, National Press Club, Metropolitan Club, Washington, D.C., Burning Tree Club, Bethesda, Md.

BIOGRAPHICAL SKETCH, SIDNEY JAMES WEINBERG

Born: New York City, October 12, 1891.

Education: 1906, graduated, public school No. 13, Brooklyn; 1907, Browne's Business College, Brooklyn; 1946, LL.D. Trinity College.

Marital status: Married.

Experience: 1907, began business career with Goldman, Sachs & Co., partner since 1927; director Cluett, Peabody & Co., Inc., Continental Can Co., Inc., General Cigar Co., General Electric Co., General Foods Co., B. F. Goodrich Co., Ford Motor Co., McKesson & Robbins, Inc., National Dairy Products Corp., Champion Paper & Fibre Co., Van Raalte Co., Inc.

Military experience: 1917, enlisted as seaman U.S. Navy; became special agent, Navy Intelligence Department; special agent, War Trade Board; and deputy collector of customs at Norfolk, Va.; demobilized December 1918; honorable discharge, June 5, 1921.

Memberships: Business Advisory Council for U.S. Department of Commerce; member, Industrial Advisory Board, N.R.A.; governor, New York Stock Exchange; governor, Investment Bankers Association of America; awarded Medal for Merit by President Truman, 1946.

Clubs: Bond, Century Country, Recess, Madison Square Garden (New York City), Town (Scarsdale).

Home: 8 Reimer Road, Scarsdale, N.Y.
Office: 30 Pine Street, New York City, N.Y.

BRUCE SUNDLUN

Address: 2713 35th Street NW., Washington, D.C.; and 23 Half Mile Road, Barrington, R.I.

Age: 40 years.

Occupation: partner, Amram, Hahn & Sundlun, attorneys, Washington Building, Washington D.C.

Education: Tabor Academy, Marlon, Mass., 1938; Williams College, bachelor of arts 1946 (class 142); Harvard Law School, bachelor of law, 1949; Air Force Command & Staff School (associate course), 1948.

Experience: (a) Legal: Assistant U.S. Attorney, District of Columbia, 1949-51; Special Assistant to U.S. Attorney General, Civil Division, Department of Justice, 1951-53; trial attorney, Court of Claims section, Department of Justice, 1953-55; partner, Hahn & Sundlun, 1955-57; partner, Amram, Hahn & Sundlun, 1957 to present; member, American, Federal, District of Columbia, and Rhode Island Bar Associations; rating, average by Martindale-Hubbell.

(b) Military aviation: World War II, pilot, 384th Bomb Group (H), ETO, 1942-43; shot down, Solingen, Germany, December 1, 1943, evaded capture through Belgium and France to Switzerland, May 6, 1944. Rejoined USAF, September 9, 1944, and flew in the Pacific until September 1945.

Assistant wing operations officer, 3d Bomb Wing (L), (Res.), Bedford, Mass., 1946-49.

Member, 5-man Civilian Operations Analysis Team sent to United Kingdom in 1950 by General Vandenberg to determine defensibility of SAC United Kingdom bases. Wrote report thereon.

Commander, 30th Troop Carrier Squadron (Res.), Bedford, Mass., 1949-51.

Office, Secretary of the Air Force, legislative liaison, 1952-54.

D/Ops, 459th Troop Carrier Wing (Res.), Andrews AFB, Md., 1955-57.

Commander, 756th Troop Carrier Squadron (Res.), Andrews AFB, Md., 1957 to present.

Decoration: Distinguished Flying Cross, Purple Heart, Air Medal with one cluster.

(c) Civil aviation: Private pilot's license, 1940; commercial pilot's license, 1946; single and multiengine rating, 1946; instrument rating, 1958 (U.S. Air Force green card and senior pilot rating); 3,500 hours flying time; owner, Cessna 310C, now flown personally 300 hours a year; member, AOPA, 1946; member, National Pilots Association, 1960.

(d) Business: Director, secretary, and general counsel, the Outlet Co., Rhode Island's largest department store, television, and radio station; director, Ariguanabo Co. of Jamaica, Ltd., Jamaica largest cotton manufacturer; cofounder, the Northern Virginia Sun, daily newspaper, Arlington, Va.

(e) Political: Campaign director, District of Columbia, Kefauver for President, 1956; codirector, Advance Men, Democratic National Committee, 1956; campaign consultant, Senator-elect CLAIBORNE PELL, 1960; chairman, Inaugural Medal Committee, 1960; vice chairman for 1960 parade organization; Inaugural Parade Committee, 1960; various District of Columbia and Rhode Island fund committees.

Family: Married, Madeleine Schieffer, November 10, 1949; children, Tracy, 8; Stuart, 8; Peter Bruce, 6.

Religion: Jewish.

BIOGRAPHICAL SKETCH OF A. BYRNE LITSCHGEL, TAMPA, FLA.

Personal: Born December 31, 1920, Charleston, S.C.; married, two children.

Education: Bachelor of science in business administration, University of Florida, 1941, with major in accounting; member Florida Blue Key leadership fraternity; bachelor of laws, Law School of Harvard University, 1948; winner, Ames Competition, business manager Harvard Law School Record.

¹ Charitable or nonprofit corporations.

Military service: Presently commander, U.S. Naval Reserve; 1941-45, naval combat sea duty in all war theaters.

Professional career: Presently a partner in the firm of Coles, Himes & Litschig, of Tampa, Fla. Practice consists chiefly of work in Federal income, estate, gift, and excise tax fields.

Year, 1952-60, member of the firm of Hedrick & Lane, Washington, D.C. Practice involved Federal income, estate, gift, and excise tax matters and cases before regulatory agencies. Represented number of large national corporate clients in tax matters. Prepared and implemented tax legislative programs involving overall revision of Federal tax laws and those of narrower scope. General counsel for the Federal Excise Tax Council, Inc., whose membership is composed of major appliance manufacturing companies and major national retailing organizations. Practice required constant contact with the Internal Revenue Service, the Treasury staff, and Members of Congress. Enjoyed excellent working relationships with service and Treasury personnel as well as with a number of the members of the Committee on Ways and Means, Senate Committee on Finance and their staffs.

Year 1953, legislative assistant to Senator GEORGE A. SMATHERS, of Florida, 1949-52, attorney in the Office of the General Counsel of the Treasury Department; 1949-51, assigned to legal staff for the Office of International Finance and Bureau of the Mint where work covered following areas—

1. Legal work for National Advisory Council on International Monetary and Financial Problems in areas involving Export-Import Bank, International Bank for Reconstruction and Development and International Monetary Fund.

2. Member interdepartmental committee preparing point 4 technical assistance program and implementing legislation; member similar committee handling policy questions arising during operation of ECA (Marshall plan).

3. Policy development for and support of U.S. representative to GATT meetings.

4. Creation of foreign assets control and blocking of financial transactions with Communist China.

5. Various custom duty matters.

Years 1951-52, attorney in the Office of the Tax Legislative Counsel. Advised on development of tax policy and participated in drafting and reviewing Treasury regulations issued under the Internal Revenue Code. Worked with congressional committees and staffs on tax legislation. Responsible for handling problems on taxation of foreign income and interdepartmental relationships concerning foreign tax problems. Tax adviser to the U.S. representative, United Nations Fiscal Commission.

Member of bars of Florida and of the District of Columbia. Admitted to practice before Supreme Court of the United States, various lower Federal courts and Federal regulatory agencies.

Professional associations: American Bar Association, chairman, committee on excise and miscellaneous taxes, tax section, 1956-59; presently adviser to this committee. Active in work of tax section in preparing recommendations to the Congress and the Internal Revenue Service on the Federal tax laws; member of the National Council of the Harvard Law School Association which supervises all Harvard Law School alumni and fundraising activities; trustee, University of South Florida Foundation; writer of various articles on tax subjects for American Bar Association Journal, Tax Executive, and other publications; member of planning committee for 16th Annual Institute on Federal Taxation, New York University, and directly responsible for institute panel on Federal excises; member of several District of Columbia and Florida bar organizations;

presently chairman, Committee on Unauthorized Practice of Hillsborough County (Fla.) Bar Association.

Business activities: director and general counsel for G-L Electronics Co., Inc., and related companies; member and former head of General Realty Ventures partnership, Washington, D.C.

Democratic Party activities: served as advance man for Governor Stevenson during 1956 presidential campaign and again for President Kennedy during 1960 campaign; member, committee for 1960 presidential kickoff dinner and for later fundraising dinner.

Club memberships: University Club of Washington, D.C.; Kenwood Golf and Country Club, Washington, D.C.; Tampa Yacht and Country Club; National Capital Democratic Club; National Association Executives Club.

BEARDSLEY GRAHAM, PRESIDENT, SPINDLETOP RESEARCH, INC., LEXINGTON, KY.

Education: B.S., College of Chemistry, 1935, University of California, Berkeley; graduate study, electrical engineering and physics, 1935-40, University of California, Berkeley; completed all requirements for E.E. degree and M.S. degree except theses; graduate study, electrical engineering, 1942, Columbia University, New York.

Experience: 1962, Spindletop Research Inc., Lexington, Ky., president, responsible for planning, development, staff, and operations of new industrial research center; 1957-62, Lockheed Missiles & Space Co., Palo Alto, Calif.; 1960-62, special assistant, communication satellites, responsible for development and coordination of Lockheed Aircraft Corp.'s communication satellite system activities. Manager of satellite research planning and commercial satellite systems organization; 1958-60, manager, satellite systems planning, responsible for reviewing operational requirements and providing concept and design parameters for systems under development or expected to evolve in the Air Force satellite systems program. Developed, established, maintained, and modified the satellite systems development plan; 1957-58, special assistant to the manager, KA weapon system branch. Carried out special assignments for the manager and aided in administration of the weapon system research and development program; 1957, manager, specialty sales department.

Commercial communication satellite activities: Recognizing in 1959 that the technical feasibility of commercial communication satellites was clearly established, Graham conceived of the joint venture plan and initiated, implemented, and directed all Lockheed commercial satellite activities until December 1961.

Early in-house studies indicated economic feasibility and focused attention on business and regulatory problems. To investigate these aspects, Booz, Allen & Hamilton and Pierson, Ball & Dowd were engaged early in 1960.

During the last half of 1960 and in 1961 the results of these studies were presented at high corporate levels to A.T. & T., I.T. & T., RCA, G.T. & E., Time, Inc., and to various governmental and legislative agencies, including FCC, OCSM, Department of Justice, Department of Defense, Department of State, Department of Commerce, National Aeronautics and Space Administration, Senate and House Interstate and Foreign Commerce Committees, Senate Aeronautical and Space Sciences Committee, House Science and Astronautics Committee, and Senate Judiciary Committee.

A railroad release was obtained from Justice, and RCA and G.T. & E. elected to join Lockheed in further studies refining the joint venture concept.

Certain refinements were presented, and original studies were made public in response

to various FCC dockets and legislative hearings.

Lockheed's (and Graham's) commercial communication satellite activities essentially ended with a presentation to the FCC Ad Hoc Carrier Committee on September 7, 1961.

Communication satellite bibliography

LMSD-895069: "Telecommunication Satellite Business Planning Study," volume 1, October 1960; volume 2, January 1961.

FCC Docket No. 11866: "In the Matter of Allocation of Frequencies in the Bands Above 890 Mc." (July 1960).

FCC Docket No. 14024: "In the Matter of an Inquiry Into the Administrative and Regulatory Problems Relating to the Authorization of Commercially Operable Space Communications Systems" (May 1961).

FCC Docket No. 13522: "In the Matter of Allocation of Frequency Bands for Space Communications" (March, June 1961).

House hearing of Committee on Science and Astronautics: L. E. Root, president, Lockheed Missiles & Space Division, accompanied by Beardsley Graham.

Senate hearing of Subcommittee on Monopoly, Committee on Small Business Administration: Courtlandt S. Gross, president, Lockheed Aircraft Corp., accompanied by Beardsley Graham.

Ad Hoc Carrier Committee report: Beardsley Graham, accompanied by D. Sailor.

Years 1956-57: Sequoia Process Corp., Redwood City, Calif., executive vice president. Directed and administered electronic wire and cable development and manufacturing program.

Years 1951-56: Stanford Research Institute, Menlo Park, Calif., assistant director of institute; 1953-56 assistant director and manager, Mountain States Division, Phoenix, Ariz.—opened, directed and developed new research division of institute; 1952-53, assistant director, responsible for development of industrial research program and acquisition of project support; 1951-52, assistant director, engineering research—directed development of automation and large-scale computer program.

Years 1946-51: Bendix Aviation Corp., Detroit, Mich.; 1949-51, technical consultant to vice president for research—responsible for development of BAC nuclear and computing machine programs; 1947-49, chief engineer, research laboratory—in charge of all electronic, physical and chemical research; 1946-47, chief engineer, department head of Special Products Development Laboratories, Eclipse—Pioneer Division and Pacific Division—in charge of groups developing missile systems and components.

Years 1944-46: Lewyt Corp., Brooklyn, N.Y., senior project engineer; responsible for production of microwave radar equipment and components.

Years 1942-44: Massachusetts Institute of Technology, radiation laboratory, Cambridge, Mass.; staff member; engaged in research, development, design, fabrication, installation, and operation of microwave radar equipment.

Years 1940-42: National Broadcasting Co., New York, N.Y., and Hollywood, Calif., development engineer. Engaged in development, operation and maintenance of television equipment in the studio and in the field.

Years 1939-40: RCA Manufacturing Co., Exhibit GGE, San Francisco, Calif., engineer in charge. Supervised installation, operation, and maintenance of television, facsimile, and public address equipment.

1936-37: Pacific Telephone & Telegraph Co., San Francisco, Calif., frameman; worked on operation, testing, and maintenance of automatic switching central office equipment.

1935-36: Techna Corp., San Francisco, Calif., chemical engineer; worked on design

and installation of chemical laboratory to maintain control in electric recording equipment manufacturing.

Special activities: Consultant, President's Joint Disarmament Committee, 1959-60.

Professional societies: Institute of Radio Engineers (senior member); American Rocket Society (senior member); Association for Applied Solar Energy (member, board of directors).

Listed in: American Men of Science, Who's Who in Engineering, Who's Who in the West, Registered Professional Engineer, State of California, State of Arizona.

LEONARD WOODCOCK

Address: Home, 950 Pemberton Street, Grosse Point Park, Mich., business, 8000 East Jefferson Street, Detroit, Mich.

Present position: vice president, UAW (International Union, United (AFL-CIO) Automobile, Aircraft & Agricultural Implement Workers of America).

Born: Providence, R.I., February 15, 1911; son of Ernest and Margaret Freel Woodcock.

Education: St. Wilfred's College, England, 1920-23; North Hampton Town and Country School, England, 1923-26; Walsh Institute of Accountancy, Detroit, Mich., 1928-30; Wayne State University, Detroit, Mich., 1928-30.

Marital status: Married Loula Martin, March 28, 1941; three children.

Employment: UAW, 1940-; where he has been successively: 1947-50, staff representative, administrative assistant to the international president, regional director; international vice president, 1951-UAW; Muskegon Aviation & Engineering Co., Muskegon, 1947.

Member of board of governors, Wayne State University, 1959; board of directors, Metropolitan Detroit, YMCA; Greater Detroit Hospital Council, Inc., American Civil Liberties Union, NAACP (National Association for the Advancement of Colored People), American Public Health Association.

SAM HARRIS

Born: Pennsylvania, July 17, 1912.

Education: 1933, graduated from UCLA with highest honors—elected Phi Beta Kappa; 1933-36, attended the Yale Law School on scholarships and was graduated cum laude—comment editor of Yale Law Journal, Order of Coif.

Marital status: Married, two sons, ages 14 and 16.

Experience: 1936, admitted to the California bar; 1936, joined the general counsel's staff on the SEC; 1939, appointed chief of the opinion section of the SEC; 1940, as a result of experience at the SEC, was invited to join the staff of the trustees of the Associated Gas & Electric Corp. in New York; 1942-46, Army, served in Judge Advocate General's Department. Chief of economic section at Nuremberg trial, discharged as captain; received Bronze Star and commendation ribbon; 1947, admitted to New York bar and joined present firm (Strasser, Spiegelberg, Fried & Frank), currently a director of Rio Algom Mines, Ltd., Callahan Mining Co., and the Energy Fund Registered Investment Co.; chairman, American Bar Association Committee on Securities Regulation; New York County Lawyers Association; American Judicature Society.

Clubs: Yale Club, New York City; Bankers Club of America; Century Country Club.

Residence: 14 East 75th Street, New York City, N.Y.

GEORGE J. FELDMAN

Address: Residence, 1010 Fifth Avenue, New York, N.Y.; business, 350 Fifth Avenue, New York, N.Y.

Date and place of birth: November 6, 1904, Boston, Mass.

Marital status: Married, two children.

Military service: Army Air Corps, 1942-45.

Profession: Lawyer—admitted to practice in the States of Massachusetts, New York, and in the District of Columbia.

Current: Private practice of law. Counsel, vice president, and member of the board of directors of the Mastan Co., Inc., 350 Fifth Avenue, New York, N.Y. (commercial finance company); member, executive committee and board of directors of Columbia Mills, main office, Syracuse, N.Y. (manufacturers of coated fabrics, etc.); member, U.S. Citizens Commission to NATO (current); member, U.S. Delegation to the United Nations 14th Assembly; member, U.S. Delegation to Second United Nations Conference on the Law of the Sea, Geneva, Switzerland (March and April 1960); consultant to Legal Adviser, State Department (1959-60); consultant, Committee on Science and Astronautics, U.S. House of Representatives (current); Director and Chief Counsel, Select Committee on Astronautics and Outer Space, House of Representatives (1958).

Previous experience: Administrative assistant, U.S. Senator David Walsh, 1927-30; attorney, Federal Trade Commission, April 1930-September 1932; lecturer, Boston University Law School (trade regulation and Federal antitrust law); practiced law with the firm of Walsh & Walsh, Boston, Mass., September 1932-June 1935; litigation counsel, NRA, June 1934-June 1935; formed law firm of Feldman, Kittlitz, Campbell & Ewing; engaged in private practice of law from 1935 to 1942 and acted as general counsel to Great Atlantic & Pacific Tea Co., New York, N.Y., October 1937-May 1942 until entry into military service; private practice of law from 1946 to date.

Principal clients represented: Great Atlantic & Pacific Tea Co., New York, N.Y.; Diamond Watch Co., New York, N.Y.; Excelsior Corp., Detroit, Mich.; Lerner Shops, New York, N.Y.; Dictograph Products, Inc., New York, N.Y.; Avco Corp., New York, N.Y.; Columbia Mills, Syracuse, N.Y.; American Greetings Corp., Cleveland, Ohio; The Mastan Co., Inc., New York, N.Y.; D.C.A. Corp., New York, N.Y.

Author of the following books:

"Does Trade Need Antitrust Laws," published by Long & Smith, 1932.

"Antitrust Laws and Unfair Competition," an NRA study published in book form (NRA Work Materials No. 1), 1935.

"Business Under the New Price Laws," a book dealing with the Robinson-Patman Act and State price laws, by Burton A. Zorn and George J. Feldman, published by Prentice-Hall, 1937.

"Advertising and Promotional Allowances," deals with advertising and promotional allowances and demonstrator services under the Robinson-Patman Act, published by the Bureau of National Affairs, 1948.

Author of the following articles:

"The New Federal Securities Act," in the Boston University Law Review, January 1934.

"Legal Aspects of Federal and State Price Control," in the Boston University Law Review, June 1936.

"Legal Aspects of Resale Price Maintenance," an NRA study (NRA Work Materials No. 57, at p. 298), 1935.

"Administrative Hearings and Due Process of Law," in the U.S. Law Week, June 16, 1936.

"The Federal Trade Commission and the Robinson-Patman Act," in the U.S. Law Week.

"Burden of Proof Under the Robinson-Patman Act," for Prentice-Hall, Trade Regulation Service, October 14, 1936.

"Legislative Opposition to Chain Stores and its Minimization," Law and Contemporary Problems, Duke University, Vol. VIII, No. 2, Spring 1941 (p. 334).

"Antitrust Paradoxes," in the Journal of Marketing, Vol. 6, No. 2, October 1941.

"Basing Points and the O'Mahoney Bill," in Fortune magazine, September 1949.

"An American View of Jurisdiction in Outer Space" (First Colloquium on the Law of Outer Space, The Hague, 1958), 1959.

"The Report of the United Nations Legal Committee on the Peaceful Uses of Outer Space: A Provisional Appraisal" (Second Colloquium on the Law of Outer Space, London, 1959), 1960.

"Current Developments in the Law of the Sea and Outer Space," U.S. Government Printing Office, 1960.

"Communication Satellites," missiles and rockets, May 22, 1961.

As Director and Chief Counsel of the Select Committee on Astronautics and Space Exploration, was responsible for the publication of the following staff reports:

"The International Geophysical Year and Space Research," December 22, 1958.

"Survey of Space Law," December 22, 1958.

"Summary of Hearings, Astronautics and Space Exploration," December 22, 1958.

"The National Space Problem," May 21, 1958.

"Space Handbook: Astronautics and Its Applications," December 29, 1958.

"The United States in Outer Space," January 3, 1959.

"The Next 10 Years in Space, 1959-69," February 3, 1959.

"International Cooperation in the Exploration of Space," February 3, 1959.

Other activities: Collaborated with Bernard Baruch in the drafting of the so-called wage and hour law; assisted Senator Walsh and Congressman Healey in the drafting of the so-called Walsh-Healey Act; counsel for Democratic platform committee and drafting committee, Democratic Convention, Chicago, 1952; vice chairman, national Democratic committee's finance committee, 1960.

Clearances: "Q" clearance with the Atomic Energy Commission, "Top Secret" with the Department of Defense.

Clubs: Sands Point Golf Club, Sands Point, N.Y.; National Democratic Club, New York, N.Y.; City Athletic Club, New York, N.Y.; American Legion.

"World TV by Satellite," Show Business Illustrated, September 19, 1961.

"Communications Satellite Legislation and International Cooperation," Federal Bar Association, May 25, 1962.

LEONARD H. MARKS

Education: University of Pittsburgh, B.A., 1935; University of Pittsburgh Law School, LL.B., 1938.

Teaching: Faculty fellow, University of Pittsburgh Law School, 1938-39; assistant professor, University of Pittsburgh Law School, 1939-42; assistant professor, National University Law School, Washington, D.C., 1943-50.

Governmental positions: Assistant to the General Counsel, Federal Communications Commission, 1942-46; member of, or adviser to, various U.S. delegations to International Broadcast Conferences, Mexico City, 1948; Montreal, 1949; Mexico City, 1952; Geneva, 1960; appointed by Department of State to lecture on constitutional administrative law in India in 1958; national defense executive reserve, 1959 to date.

Legal experience: Admitted to bar in Pennsylvania, 1938; admitted to bar in District of Columbia, 1946; admitted to practice before various courts in Pennsylvania and District of Columbia, including U.S. Supreme Court; president, Federal Communications Bar Association, 1959-60; member, house of delegates, American Bar Association, 1961-63; partner, Cohn & Marks, Cafritz Building, Washington, D.C., 1946 to date.

Miscellaneous: Has written articles on legal matters in various professional and trade journals throughout the years.

JOHN THOMAS CONNOR

Address: Home, 49 Prospect Hill Avenue, Summit, N.J.; business, Merck & Co., Inc., Rahway, N.J., president.

Occupation: Lawyer, business executive.

Born: Syracuse, N.Y., November 3, 1914; son of Michael J. and Mary V. (Sullivan) Connor.

Education: A.B. magna cum laude. Syracuse University, 1936; LL.B., Harvard University, 1939.

Marital status: Married Mary O'Boyle, June 22, 1940; children—John Thomas, Geoffrey, Lisa Forrestal.

Experience: Admitted to New York bar, 1939; associate, Cravath, De Gersdorff, Swaine & Wood, New York City, 1939-42; general counsel, Office Science Research and Development, Washington, 1942-44; general attorney, Merck & Co., Inc., Rahway, N.J., 1947; secretary, counsel 1947-50, vice president, 1950-55, president, director, 1955-; director Fidelity Union Trust Co. (Newark). Board Health Information Foundation, Commission Economic Development, National Industrial Conference Board, Overlook Hospital, Summit.

Member, New Jersey Water Resources Advisory Commission; chairman, New Jersey Commission for Improving Science and Mathematics in Secondary Schools; member, board trustees Pingry School, Elizabeth, N.J.; trustee, Thomas Alva Edison Foundation, Inc.; Pharmaceutical Manufacturers Association (director, member, executive committee), Phi Beta Kappa, Phi Kappa Psi, Phi Kappa Phi, Phi Kappa Alpha, Beta Gamma Sigma (honorary).

Clubs: Beacon Hill (Summit, N.J.); Economic, the Pinnacle, Harvard (New York City); Morris County Golf (Convent, N.J.); Essex (Newark); Baltusrol Golf.

Military service: Served from second to first lieutenant, USMC, 1944-45, retired captain, USMCR, counsel, Office Naval Research and special assistant to Secretary of Navy, 1945-47.

Miscellaneous: Mr. Connor received the 1962 Jefferson Medal of the New Jersey Patent Law Association for outstanding services to the cause of the American patent system. In 1959, he was awarded an honorary doctor of science degree by the Philadelphia College of Pharmacy and Science and also received the New Jersey Brotherhood Award of the National Conference of Christians and Jews.

Religion: Roman Catholic.

Present affiliations:

The Business Council, Washington, D.C., member.

Council on Foreign Relations, Inc., member.

Committee for Economic Development, member, board of trustees.

American Management Association, member, board of directors.

Pharmaceutical Manufacturers Association, member, board of directors.

National Commission on Community Health Services, member.

Second Citizens Advisory Committee, Food and Drug Administration, member.

Syracuse University, trustee.

Johns Hopkins University, member, visiting committee for school of hygiene and public health.

Seton Hall University, member, board of advisers to the president.

Pingry School, Elizabeth, N.J., member, board of trustees.

Economic Club of New York, member, board of directors.

General Foods Corp., member, board of directors.

Sperry & Hutchinson Co., member, board of directors.

Research Analysis Corp., trustee.

Phi Beta Kappa Associates, member.

Former affiliations:

Manufacturing Chemists' Association, Inc., chairman, board of directors, 1959-60. Crusade for Freedom Committee, New Jersey chairman for 1957.

Fourth Annual Rutgers Pharmaceutical Conference, 1955, chairman.

Fidelity Union Trust Co., member, board of directors.

National Industrial Conference Board, member, board of directors.

New Jersey Committee for Improving Science and Mathematics in the Secondary Schools, chairman, 1959-60.

New Jersey Association for Mental Health, 1954 fund campaign, chairman.

New Jersey State Chamber of Commerce, member, board of directors; member, executive committee.

New Jersey State Water Resources Advisory Committee, member.

Overlook Hospital, Summit, N.J., member, board of trustees.

Tenth Annual Business Conference at Rutgers, May 15, 1958, general chairman.

Seton Hall College of Medicine and Dentistry fundraising campaign, head of chemical industry subcommittee.

Thomas Alva Edison Foundation, member, board of trustees.

Business Council for International Understanding, member, policy board.

National Advisory Heart Council of the National Institutes of Health, member.

GEORGE KILLION

Place and date of birth: Steamboat Springs, Colo., April 15, 1901.

Parents: father, James Abraham Killion, rancher, druggist; born Springfield, Ill.; mother, Lydia Jane Harris, born Chattanooga, Tenn.

Education: Attended Grand Valley, Colo., public schools; attended University of Southern California and University of California.

Career: president and member of the board of directors, American President Lines, 601 California Street, San Francisco (1947 to present); chairman of the board of directors of Metro-Goldwyn-Mayer, Inc., 1540 Broadway, New York, N.Y. (1957 to present); member of the board of directors of American Mail Line, Seattle, Wash. (1954 to present); member of the board of directors, Pacific National Bank, San Francisco (1960 to present); member of the board of directors, Natomas Co., Sacramento (June 1956 to present); special assistant to the Petroleum Administrator for War, Washington, D.C. (1943-44); major, U.S. Army (staff of Allied Military Government) (1943); director of finance, State of California, in charge of all financial, budget and business affairs of State Government (1940-43); Secretary to the Governor of California (1939); commissioner, Golden Gate International Exposition, San Francisco (1939-40); executive, Safeway Stores, Oakland, Calif.; consultant on public relations, advertising, legislation and business development (1935-39); owned and directed a public relations firm engaged in handling tax, financial and political campaigns (1930-35); engaged in newspaper work, California, as reporter, city editor, managing editor and editorial writer (1922-30).

Clubs:

American Bureau of Shipping (member of board of managers).

Commonwealth Club of California.

Stock Exchange Club.

Propeller Club of the United States (national executive committee).

India House, Inc., New York.

Olympic Club, San Francisco.

Pacific Maritime Association (director, passenger line group).

Pacific American Steamship Association (member, advisory board and board of directors).

Press & Union League Club.

San Francisco World Trade Center Authority (member, May 1959 to present).

Governor's Business Advisory Council, State of California (member, January 1959 to present).

World Trade Club (president, April 1957 to present).

The Burning Tree Club, Washington, D.C. The Metropolitan Club, Washington, D.C. United Seamen's Service (vice president, July 1959 to present).

Association of the U.S. Army.

The Bohemian Club.

American Freedom From Hunger Foundation, Inc. (member of board of trustees).

National Defense Transportation Association (life member).

National Export Expansion Council (member).

Eleanor Roosevelt Cancer Foundation (member, board of governors); honors, Italian Government conferred "Night in the Order of Merit to the Republic of Italy."

WHOSE CIVIL RIGHTS?

Mr. WILLIAMS of Delaware. Mr. President, in today's issue of the Wall Street Journal there appears an editorial entitled "Whose Civil Rights?"

The editorial should be read by Members of Congress, and particularly it should be read by the Attorney General of the United States.

I ask unanimous consent that the editorial be printed in the RECORD at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHOSE CIVIL RIGHTS?

Former General Walker and new heavyweight champion Sonny Liston don't have too much in common, but each of them ought to have a little sympathy for the other. Both of them have recently been the victims of some strange encounters with Federal police authorities.

To be sure, the Federal tax authorities had reasonable grounds for suspicion that the Government might not get its due share of the receipts from the Liston-Patterson fight unless it stepped in and grabbed them first. Fight managers and promoters are not noted for their scrupulous accounting or for being pillars of society, and the IRS has had trouble before with the fight promoters.

Nonetheless, the new champion is not involved in this past dispute. Moreover, the internal revenue agents didn't pause long enough to give anybody a chance to make an accounting in good faith. Nor did they content themselves with putting a tab on some reasonable proportion of the fight take. They moved almost as fast as Sonny Liston moved on Patterson, and just as thoroughly. They seized the money first and talked about it afterwards.

Possibly also General Walker's speeches contributed to the riots in Mississippi; that is a matter for the courts to decide. But when he was arrested some of the niceties of civil rights got lost in the rush.

He was arraigned without benefit of counsel, and then without even going through the motions of a proper hearing the authorities had him hustled off for psychiatric examination. His bail was set at the unusually large figure of \$100,000, the same figure used for the late Dr. Soblen, a man duly convicted in open court of having spied for the enemies of his country.

We'll leave the lawyers to debate the legal points in these two cases, as they are now doing. Subsequently General Walker's bail was cut in half and he is now out of jail. Doubtless in the end Sonny Liston will receive his proper share of the fight proceeds. But there is something more disturbing here than legal technicalities.

One of these cases puts aside the concept that a man is punished only for crimes committed; here is punishment for tax evasion—certainly seizing all a man's pay is punishment—merely on the policeman's suspicion

that taxes might be evaded. The other puts aside the doctrine that a man charged with a crime is entitled to the protection of certain ancient processes of the law, including the right to counsel.

The reply of the policeman in each case is that haste was necessary. If the revenue agents hadn't acted then it might have been too late. The Justice Department had to move swiftly against General Walker to teach a lesson to other people.

Perhaps so; yet it's an argument become all too familiar. A Justice of the Supreme Court makes a ruling, as Justice Black did in the Mississippi school case, by concluding from conversations what the full court might decide—because everybody was too impatient to wait a few weeks. A corporation angers the Attorney General, as United States Steel did by trying to raise prices, and the next day its offices are crawling with Government agents, hustling to find evidence for an indictment not yet drawn.

It may be hard to drum up much sympathy for General Walker or Sonny Liston. But if we are going to set aside all the due processes of law every time the policeman is in a hurry, then no man can be safe from the scowl of the tax collector or the Attorney General.

ACTIVITIES OF RED REGIME IN CZECHOSLOVAKIA — ADOPTION AND REPORT BY CONVENTION OF CZECHOSLOVAK NATIONAL COUNCIL OF AMERICA

Mr. LAUSCHE. Mr. President, I wish to discuss a resolution adopted at the convention of the Czechoslovak National Council of America several days ago. The resolution sets forth that there has been a scarcity of food and consumers' goods in Czechoslovakia, and that in the past American citizens have been sending gift packages containing American goods, food, and other necessities to their relatives and friends in Czechoslovakia.

According to the resolution, the Czechoslovak Government was not pleased with Americans sending these packages into their country, and it proceeded to adopt a program that would dissuade relatives in our country from helping their relatives in Communist Czechoslovakia.

The program of dissuasion began first by restricting the sending of canned goods; second, requiring a disinfection certificate accompanying the goods; third, the number of gifts packages to a recipient each year was limited; fourth, likewise, the number of items contained in the package was limited; fifth, in 1961 the Czechoslovak Government imposed duties upon goods going into Czechoslovakia that were so large as to make the receipt of the goods prohibitive. Finally, custom duties on used clothing were increased over those imposed in 1961.

An American citizen might well ask, "Why did the Czechoslovak Government impose restrictions which made it impossible for Americans to send food and clothing to needy Czechoslovaks?" The answer is that the Czechoslovak Government wanted the Americans to send dollars to Czechoslovakia and have those dollars used to buy food and consumer goods in Czechoslovakia.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LAUSCHE. I ask unanimous consent that I may have 2 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUSCHE. The Czechoslovak Communist Government has quite well achieved its objective. American food, clothing, and other necessities are prohibited. American dollars are permitted to be received. Goods and clothing are bought in Czechoslovakia, and the Czechoslovakia Government is receiving American dollars.

Czechoslovaks in the United States see a wrong in that course, and I concur with them. I think our State Department ought to look into the subject. In addition to Czechoslovakia, the same plan is taking place in Hungary and other Communist countries.

I ask unanimous consent that the resolution to which I referred earlier be printed at this point in the RECORD; and I suggest that the State Department take a look at the subject with the view of ascertaining why humane Americans cannot send to needy Czechoslovaks and Hungarians food and clothing, but, instead, have agreed to send American dollars there, increasing the draft on our dollars and causing an imbalance in our international accounts.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION ADOPTED AT THE CONVENTION OF THE CZECHOSLOVAK NATIONAL COUNCIL OF AMERICA, CHICAGO, 1962

REVIEW OF CZECHOSLOVAK COMMUNIST POLICY Tuzex

Under Communist rule, there has been a continued scarcity of food and consumer goods in Czechoslovakia. In the past, a flood of American gift packages with American goods brought relief to grateful Czechoslovak relatives and friends. However, the freedom of entry for such merchandise has been gradually restricted by the following Czechoslovak regulations: (a) First sending of canned goods was prohibited; (b) a disinfection certificate was required; (c) the number of gift packages to a recipient per year was limited; (d) likewise the number of any item contained in the package was limited to one; (e) in 1961, customs duties on all items were raised to prohibitive rates, especially on such items as wool, nylon, coffee. For instance, the duty on an ordinary pullover amounts to 180 crowns (hourly wage of an average worker is 8 crowns); (f) finally, customs duties on used clothing were increased to 50 crowns a kilogram (2.2 pounds). With duties raised sky-high, the recipient cannot possibly pay for a gift package. On a package valued at \$15 the customs duty equals a weekly wage.

Through these measures, the Czechoslovak regime has forced American citizens either to stop their aid to needy relatives or else to deposit dollars with the Czechoslovak State Office Tuzex, established for the purpose of collecting abroad highly desirable dollars and other hard currencies, in exchange for goods made in Czechoslovakia that are sold to Czechoslovak citizens, the recipients of the dollar remittances. The dollars are retained by the Czechoslovak Government and the beneficiaries of the remittances receive only Czechoslovak goods. Thus the export of U.S. produced goods has been stopped and the outflow of U.S. dollars has increased, thereby damaging doubly

our economy. Moreover, the U.S. currency thus acquired is available to the Czechoslovak Government for the financing of Communist subversive activities, espionage and other action against the free world, the United States in particular.

Americans of Czechoslovak descent feel that such a monopoly should not be allowed to operate on American soil. We not only tolerate the advantages which the Czechoslovak Government derives from the operations of the Tuzex agency, but also accept without protest the disadvantages inflicted upon our country. Instead, we should at least insist on the following: That for each \$15 deposited with Tuzex for Czechoslovak merchandise, American senders be allowed to send a 20-pound gift package of American goods; moreover, that no excessive customs duties be levied on the American goods.

It is our considered opinion that the Czechoslovak Government needs the U.S. dollars collected by the Tuzex agency badly enough to be willing to make concessions if faced with the possibility of a ban on Tuzex monopoly operations by appropriate action of the Department of State or the Department of Justice.

Other hostile acts against Americans

1. The Czechoslovak regime blackmails American citizens who intend to obtain a Czechoslovak emigration visa for a member of their immediate family into paying large amounts of money;

2. Czechoslovak authorities collect amounts in U.S. dollars from American citizens purported to cover maintenance, installment payments, or interest on loans on property in Czechoslovakia, although such property has already been confiscated and is now the property of the Czechoslovak State;

3. By arranging conducted tours with a propaganda slant for Americans visiting Czechoslovakia, by offering them free medical care and hospital services, the Communist regime tries to turn them into Communist agents or fellow travelers upon their return to the United States;

4. The Czechoslovak regime reduces pension payments to persons related to American citizens who are active anti-Communists in this country, threatening them with annulment of pension benefits and other persecution. In this way the Czechoslovak Government extends its influence on Americans on American soil, curtailing their lawful rights and sometimes even obstructing them in fulfilling their duties as American citizens.

These methods and means by which the present Government of Czechoslovakia misuses, disregards, and restricts—unchallenged—the normal conduct of Czechoslovak American relations is a matter of grave concern to us.

The Czechoslovak National Council of America is not arguing for a restriction of contacts with Czechoslovakia and other Communist countries. On the contrary, such contacts should be enlarged upon in order to reduce international tensions, promote understanding, and inspire hope for freedom everywhere. This, however, cannot be accomplished by permitting one party to erect more and more artificial barriers, to enforce more and more restrictions, to impose more and more limitations upon such contacts.

We consider it inadmissible that an anti-democratic government be allowed to enforce, by devious means, obedience from American citizens on American soil. This cannot be the meaning and purpose of our desire to multiply contacts between the United States and Communist countries. Quite the contrary, it is in the very interests of international peace and understanding to oppose such detrimental policies of a Communist regime.

NOMINATION OF JOHN G. GREEN, OF WISCONSIN, TO BE COLLECTOR OF CUSTOMS

Mr. MORSE. Mr. President, I should like to have the attention of the junior Senator from Wisconsin [Mr. PROXMIER].

Last night I read the CONGRESSIONAL RECORD for the day before yesterday, containing the discussion as to the problem with regard to the collector of customs in Wisconsin, which involves a controversy between the junior Senator from Wisconsin and the senior Senator from Wisconsin [Mr. WILEY].

I should like to have the RECORD show that in my judgment it is most regrettable that steps were not taken early enough in this session to obtain the confirmation of the nomination of Mr. Green to be collector of customs in the State of Wisconsin. I feel that the position which the junior Senator from Wisconsin [Mr. PROXMIER] has taken in this matter, as reported in the CONGRESSIONAL RECORD, is unanswerable; and that the senior Senator from Wisconsin is completely wrong in the position he has taken on this issue. I shall state my reasons.

The senior Senator from Wisconsin, so the RECORD shows, alleges that the appointment of Mr. Green really was requested by the Senator from Massachusetts [Mr. SMITH]. As a lawyer accustomed to looking for proof, evidence, and documentation of allegations, I wish to say I think the senior Senator from Wisconsin "fell flat on his face," so to speak, in respect to that argument, for the correspondence placed in the RECORD by the junior Senator from Wisconsin [Mr. PROXMIER] leaves no room for doubt that the correspondence itself shows that the appointment was at the initiation of the junior Senator from Wisconsin and had his approval and enthusiastic support from the very beginning.

The second point I wish to make is that this issue involves each one of us. It may be the junior Senator from Wisconsin today, but it may be the majority leader tomorrow, or the senior Senator from Oregon the next session, or any other Senator at some time in the future. These matters of historic tradition and precedent in the Senate in regard to such subjects as nominations are of concern to each of us when we find a situation such as has developed in the State of Wisconsin over the appointment of the collector of customs.

I note in the RECORD that the senior Senator from Wisconsin has not been willing to declare the nominee personally obnoxious. The long history of the Senate makes perfectly clear that unless a Senator is willing to declare a nominee personally obnoxious, that Senator loses his standing in the Senate by way of raising an objection to a nominee.

The PRESIDING OFFICER. The time of the Senator from Oregon has expired.

Mr. MORSE. Mr. President, I ask unanimous consent that I may proceed for 2 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. The RECORD is perfectly clear that the senior Senator from Wis-

consin has taken the position that he really does not have anything against the nominee personally. I can only reach one conclusion; he must have something against the junior Senator from Wisconsin. At least, he is not in a position to cooperate with his colleague in regard to the nomination. I think that is regrettable and reflects discredit upon the senior Senator from Wisconsin and not the junior Senator from Wisconsin.

Third, I point out that we are dealing with a matter of patronage. The position of collector of customs is a patronage position. That is our system. So long as it is the system, the majority party has the traditional right to make the appointment and, in the absence of any showing of disqualification on the part of the nominee, on the basis of the four historic criteria which have always been applied under the advise and consent clause, the nomination should be confirmed.

As the Senator from Wisconsin knows, the senior Senator from Oregon has applied those historic criteria ever since the famous fight in 1945 involving the nomination of Henry Wallace to be Secretary of Commerce, when, as a Republican, I defended that nomination by a Democratic President because there was no showing on my side of the aisle that Henry Wallace violated any of the four historic criteria.

I say, on the basis of those four historic criteria, that patronage positions should automatically be filled, unless the opposition can show that the nominee does not fulfill one or more of those criteria.

There is not a scintilla of evidence in this record as to the nomination to be collector of customs in Wisconsin which raises any question as to the nominee's qualifications under those criteria. Therefore, in my judgment, the senior Senator from Wisconsin has no meritorious standing in opposition to the nomination.

After all, this is a patronage job. So long as we have the patronage system, the majority party ought to have the right to fill the position, and it should not be necessary to wait, as we shall now have to wait, to have a matter such as this cleared up because of a technicality, merely because the Committee on Finance reported the nomination by way of a poll rather than a vote in the committee.

I close by saying that I sincerely hope the President of the United States will make an interim appointment. It is my understanding the President can make an interim appointment. In view of the objection raised by the senior Senator from Wisconsin, which, in my judgment, has no merit on the record, I think the President of the United States owes it to the junior Senator from Wisconsin to appoint Mr. Green on an interim basis to be collector of customs. Then, when the Congress comes back into session in January, we can proceed to take the nomination from the Finance Committee and place it before the Senate.

The senior Senator from Wisconsin ought to be made to answer the question now as to whether he has changed

his mind and wishes to raise a point of objection to the nomination on the ground that the nominee is personally obnoxious.

Mr. PROXMIER. Mr. President, I thank the senior Senator from Oregon from the heart. I deeply appreciate what the Senator has said. It is very helpful, indeed.

John Green was nominated on March 1. On March 26 I wrote to the senior Senator from Wisconsin and urged him to return an approval slip. He wrote back the next day, and said that he would look into the question.

I again wrote to the Senator on March 30, and I asked him once again to indicate his approval.

It was obvious then that I was not going to get much action from the senior Senator from Wisconsin, so I started working on the Finance Committee. I asked the distinguished chairman of the Finance Committee to hold hearings on the nomination. He said he was holding the hearings up until the senior Senator from Wisconsin would consent to have a hearing.

Eventually there was a hearing on June 13.

The reason the nomination was never reported was that at the request of the distinguished senior Senator from Wisconsin, a Democratic member of the committee objected to having the nomination taken up. The committee is a very busy committee, as the Senator from Oregon realizes. If I have called the chairman of the committee once on this issue, I have called him at least a dozen times. I talked with members of the committee, with the distinguished senior Senator from Illinois, and with the Senator from Tennessee. They cooperated and did all they could. We tried everything we could think of to have the nomination reported from the committee. It was impossible to get the nomination from the committee until the closing days of the session, when a quorum of the Finance Committee could not be obtained. The chairman of the committee tried a number of times to get a quorum. He could not get a quorum. This was the only way to have the nomination reported.

I am glad that the senior Senator from Oregon has raised this point. This could be a very bad precedent, indeed. It might mean that any time a minority Senator wishes to block an appointment all he will have to do is to persuade one member of the committee to stall the appointment to death. If he can stall it until the end of the session, he can then make a point of order as to polling the committee, and nothing can be done. I think this is a precedent we should not permit to be established.

I am delighted the senior Senator from Oregon has raised his voice against this procedure. I am very grateful to him for doing so.

I ask unanimous consent that I may proceed for 3 additional minutes on another subject.

The PRESIDING OFFICER. Is there objection to the request by the Senator from Wisconsin? The Chair hears none, and the Senator from Wisconsin is recognized for 3 additional minutes.

PRESIDENT TRADE BAN CRACKS DOWN ON CASTRO

Mr. PROXMIER. Mr. President, I speak as the Senator who led the fight on the floor of the Senate against weakening the language of the House in the foreign aid appropriation bill, which would have prohibited aid to any country whose ships were bringing military cargoes from the Iron Curtain countries to Cuba. In this connection, I think that what the State Department has done in recent days has been far more effective than could have been done if we had won that fight on the floor of the Senate. Incidentally, the fight was won in the conference.

What the President and the State Department has done should be recognized and praised by Americans all over the country. Recent developments have made crystal clear how effective the State Department has been in this regard.

The President will next week close American ports to all ships from any country whose vessels are carrying military supplies to Cuba. Incidentally, that is what we tried to provide in the foreign aid bill. We have done it now, and I believe we have done it more effectively. But that's just the beginning.

Second, he will close American ports to any ships that seek to come here during a voyage in which that ship engages in trade of any sort between a member of the Communist bloc and Cuba.

Also, we have prevented any U.S. shipowner from taking part in the Cuban trade.

Most important of all—we have denied U.S. Government cargoes to any shipping company whose vessels are used for trading between Cuba and the Communist bloc.

Mr. President, the blow to Castro in this action can be appreciated when it is recognized that most of the trade between Cuba and the outside world was with our country until our embargo in February of this year. Since then the trade has shifted to Russia. Of course, the total foreign trade of Cuba has dropped considerably because Russia cannot possibly supply what we supplied.

Seventy percent of the trade of Cuba with the outside world is with Russia. Two-thirds of that trade is being carried on in ships of allied countries or free countries of the world. The action the President will take will cut off virtually all of that trade. Anyone who doubts this will have much effect has only to note the British reaction. British shipowners are protesting the President's Executive order vehemently. I ask unanimous consent that an article entitled "British Shipowners Oppose Bars to Cuba Trade," published in this morning's issue of the New York Times, emphasizing that protest, be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BRITISH SHIPOWNERS OPPOSE BARS TO CUBA TRADE

LONDON, October 11.—British shipowners insisted today that they would accept no restriction on their trade with Cuba.

They agreed at a meeting that they had to rely on British diplomacy if the United States carried out its proposed sanctions against shipping engaged in carrying cargo from Communist countries to Cuba.

The meeting, called by the Council of the British Chamber of Shipping, was held to discuss U.S. plans for a shipping boycott of Cuba.

After the meeting, David M. Robinson, the Chamber's president, said that British shipowners intended to retain their right to trade throughout the world.

This was the first formal pronouncement from the Chamber since United States proposed to bar from American ports all ships of any country if even a single ship of that country's registry carried arms to Cuba, and to forbid the picking up of return cargoes in the United States by ships that had unloaded nonmilitary Communist freight in Cuban ports.

Mr. Robinson also condemned a suggestion by American shipowners' organizations that owners throughout the world should agree voluntarily to cease trade with Cuba.

Mr. Robinson said that a British Government request to the chamber that British concerns should not carry arms or military equipment to Cuba had been passed on to shipowners.

He added that there was no evidence that British shipowners were involved in such trade.

He said he "did not quarrel" with a U.S. statement that 78 British ships carried cargoes to Cuba between January 15 and August 31.

PEIPING SAID TO SEEK SHIPS

LONDON, October 4.—Shipping sources said today that Communist China had appeared on the London market as a bidder for chartered shipping for the first time in more than a year.

The Chinese were reported to be seeking to charter vessels for 4 to 7 months.

According to a report today in the Financial Times, a British business newspaper, the Chinese want to stipulate that chartered ships must call at Cuban ports.

In the past, Communist China has made a substantial number of charters in London, the newspaper said, and its absence in the last year had been one factor in the low freight rates in recent months.

London has told the United States that the British Government has no power to interfere with the chartering or to ships to carry goods to Cuba.

The United States has proposed a series of reprisal measures to halt Western shipping from engaging in the Cuban trade. The U.S. measures are causing some owners, who would otherwise have accepted the Chinese offers, to hesitate, the Financial Times said.

SWEDES BALK AT U.S. PLAN

STOCKHOLM, October 11.—Sweden indicated disapproval today of a U.S. plan to try to bar non-Communist shipping from carrying nonmilitary cargoes to Cuba from the Soviet bloc.

The Government announced that the Swedish Embassy in Washington had communicated Sweden's "anxiety" over measures abridging "the possibilities of freedom of the seas."

The Government said it had also told the United States that "as far as we know, no Swedish ships have been carrying arms to Cuba."

Mr. PROXMIER. Norwegian shipowners are protesting the action, but they are agreeing to go along with it. The West German, Greek, and Turkish Governments have agreed to comply and to go along with us. I ask unanimous consent that an article by Frank

Porter entitled "United States Ignores Outcry on Cuba Shipping Ban," published in the Washington Post of recent date, be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNITED STATES IGNORES OUTCRY ON CUBA SHIPPING BAN (By Frank C. Porter)

British and Norwegian shipowners yesterday attacked drastic American plans to retaliate against free world ships carrying Communist bloc cargoes to Cuba.

At the same time, there were indications that the United States intends to take a tough line, no matter what opposition develops overseas.

"It comes down to this: Do they want to trade with Cuba or do they want to trade with us?" one Government source said.

State Department and other Government officials spent most of yesterday hammering out details of the four-point program, which is expected to go into effect early next week.

The program provides for—

Closing American ports to all ships from any country whose vessels carry military supplies to Cuba.

Closing American ports to any ship which seeks to come here during a voyage in which it engages in trade of any sort between the Communist bloc and Cuba.

Preventing any U.S. shipowner from participating in Cuban trade.

Denying U.S. Government cargoes to any shipping company whose vessels are used for trading between Cuba and the Communist bloc.

Questions on putting these policies into effect, enforcing them, and clearing away any obstacles were reportedly discussed at yesterday's sessions at State. One trade official said unofficially that the Trading With the Enemy Act will undoubtedly be invoked and that the program may be administered by the Division of Foreign Assets Control of the Treasury Department.

Government spokesmen say they believe no free world ships have as yet carried arms to Cuba.

In Oslo yesterday, the Norwegian Shipowners Association said it "viewed with concern any development where shipping is being used as an instrument of foreign policy." But it said that its annual convention fully endorsed a request that members refuse to carry goods to Cuba.

British shipowners were more adamant. Their trade group, the Council of Shipping, decided unanimously to oppose any restrictions on their trade with Cuba, United Press International reported. "It is a matter of gravest concern to owners engaged in trade that they could be involved in sanctions," the council said.

The British Government has advised shipowners not to carry strategic goods to Cuba but it has no legal power to prevent them from doing so.

West Germany has endorsed a decree expected to cut off almost all its shipping trade with Cuba. Greek shipowners have approved a Cuban boycott. The Turkish Government has agreed to prohibit state-owned vessels from engaging in Cuban commerce and has asked private shippers not to haul Soviet cargoes there.

As explained by American officials, the embargo is designed to make the Soviet commitment to sustain Cuba economically and militarily as expensive and difficult as possible.

It has also been pointed out that any added hardship suffered by Cuba as a result of withdrawing free world shipping would serve as an example to other Latin American

nations which might be tempted to follow the Castro road.

About 70 percent of Cuban trade presently is with the Soviet Union and other Communist-bloc nations. But more than two-thirds of total Cuban trade has been carried in free world ships.

Thus, 35 percent of Communist cargoes have been transported by vessels under charter of nonbloc nations.

A recent Maritime Administration report indicates that free world ships made 571 calls at Cuban ports from January 1, through August 31. No vessels flying the U.S. flag visited ports other than the naval base at Guantanamo Bay.

Ships from Greece, the United Kingdom, West Germany and Norway accounted for 60 percent of the total. Following is a breakdown by country:

Greece, 125 trips; United Kingdom, 109; Norway, 55; West Germany, 50; Denmark, 33; Spain, 30; Lebanon, 29; Italy, 22; Japan, 20; Yugoslavia, 20; Sweden, 19; Liberia, 18; Netherlands, 14; Panama, 8; France, 5; Belgium, Finland and Chile, 3 each; Morocco, 2; and Honduras, Switzerland and Turkey, 1 each.

Mr. PROXMIRE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article entitled "United States Tries To Make Soviet Support of Cuba as Expensive as Possible," written by Chalmers M. Roberts and published in the Washington Post of recent date.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNITED STATES TRIES TO MAKE SOVIET SUPPORT OF CUBA AS EXPENSIVE AS POSSIBLE

(By Chalmers M. Roberts)

A new phase in the Kennedy administration's policy toward Cuba is now coming into focus. But there are still some blurry aspects.

In the first place, the administration is leaving on the shelf the possibility of a frontal U.S. military assault to topple Fidel Castro's regime, as President Kennedy said publicly a month ago. Up to now nothing has occurred to alter this view and no change is now in sight unless Castro by some new move threatens American security or interests more than he does today.

In the second place, the United States is trying to make support of Cuba by the Soviet Union as expensive as possible.

It is doing this by putting an economic squeeze on Cuba. Both Latin American and Western European nations are being asked and cajoled into trimming or eliminating their trade ties to Cuba. This policy has had some success recently, but the administration has not gone to the point of pre-emptive buying of goods which other nations sell to Castro. However, it may come to that.

Nobody doubts that the Soviet investment in Cuba now is considerable enough both in terms of prestige and money, nor that Soviet Premier Nikita S. Khrushchev will keep on doing what is necessary to keep Castro afloat. The United States hopes the cost will continue to mount.

One hope here is that worsening economic conditions and increasing diplomatic isolation will further known current differences inside Cuba between the hard-core Communist Party leaders and Castro's other supporters who are not Communists. But so far there is more hope than hard fact in this line of reasoning.

Official sources do believe, however, that Castro himself daily walks in fear of internal enemies.

What all this type of policy amounts to is a hope that at some point something will give inside Cuba.

The blurry part of the picture of U.S. policy on Cuba has to do with sub rosa activities involving Cuban refugees and other non-U.S. citizens who might be willing to help in harassment of the Castro regime.

American officials are chary of using the term "harassment," to describe this aspect of U.S. policy. There is much talk of how difficult some of them have bungled various clandestine attacks inside Cuba. And it is said that Castro's internal security forces have grown more efficient, thus making such things as sabotage more difficult.

Whether this is just alibi talk for inaction is not totally clear but there are reasons for thinking so. On the other hand, the administration can hardly be expected to talk out loud about clandestine operations. The problem is whether any American hand in such operations can be kept secret. Refugees are notoriously gabby and Cubans are at the top of the list.

The net of all this is that the administration, in part under political pressures to "do something about Cuba," is doing about all it can do through normal diplomatic channels. But there is no more than a vague hope that this sort of thing can someday topple Castro.

What more can or will be done at the covert level is fuzzy. Cuban refugee groups are full of complaints of lack of cooperation.

On one point there is a clear administration policy line. There is no link between the Berlin problem and the Cuban problem susceptible of any sort of "deal" with the Soviet Union. There are differences of opinion as to what Khrushchev would do if there were a full-scale American assault on Cuba, but no one in authority seems to doubt that short of that the Soviet boss will do everything necessary to hold his Latin American beachhead.

And between Berlin and Cuba, U.S. sources are positive that Berlin is the major league problem, however much Cuba arouses American anger.

Mr. PROXMIRE. Mr. President, one of the most outstanding writers of financial news, Sylvia Porter, commented last night in the Washington Evening Star on this subject. In the conclusion of the article she said:

The "kicker" is No. 2—for what it does is give the free world's shippers a choice between making short-term profits on Soviet-Cuban trade or long-term profits on hauling U.S. cargoes—and we offer the world's largest total of cargoes of all sorts. The choice, experts believe, is almost certainly to be what we want it to be.

Russia will, of course, be able to replace the ships. But it'll be far more expensive, far tougher, far more burdensome for her to push the Cuban buildup. From an economic-commercial standpoint, this is truly drastic action against the Soviet satellite 90 miles from our shores.

I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOVIET-CUBA TRADE FACING CURBS

(By Sylvia Porter)

As the United States proposes to curb free world shipping, carrying cargoes from Russia to Cuba, two obvious questions arise: How big has the Soviet bloc's trade with Cuba become? How lucrative has carrying these cargoes from Russia to Cuba been to non-Communist shipping nations?

The answers to both questions are: The Soviet bloc's trade with Cuba has grown at an enormous rate in the past 2 years and carrying the cargoes has been exceedingly lucrative to shipowners in the free world's maritime nations, including our closest allies.

Soviet trade with Cuba this year will reach \$750 million, according to a study published in Geneva on the Iron Curtain economies by the Economic Commission for Europe. The ECE is a United Nations organization with headquarters in Geneva.

This represents a 40-percent jump over Russian-Cuban trade in 1961 and this trade in 1961 was in turn 300 percent above 1960.

Poland's sales to Cuba more than tripled from 1960 to 1961, rising from \$4 million to \$23 million, while her purchases from Cuba more than doubled, rising from \$10 million to \$24 million.

U.S. TRADE REDUCED

Rumania's sales to Cuba climbed from next to nothing in 1960 to \$11 million in 1961. Czechoslovakia's trade followed a similar course, is scheduled to increase another 20 percent this year.

While our trade with Cuba has been reduced from 4.3 million tons in 1959 to 75,000 tons in 1961 (mostly medicines), the Soviet bloc nations have taken our place.

Implicit in the statistics on the tremendous rise in Soviet Russia's trade with Cuba is the answer to the second question about its financial value to nations whose ships are transporting the millions of tons of food, materials, machinery. The estimate is shipping fees on the traffic are now running at over \$100 million a year—a welcome bonanza at a time of world-wide maritime recession.

Between January 1 and the end of August, a total of 433 ships carrying free world flags docked at Cuban ports.

In the 3 months of June, July, and August, the U.S. Maritime Commission reports, owners of 169 ships of free world nations made 185 trips in and out of Cuban ports, with ships of such countries as Greece, Britain, West Germany, and Norway accounting for more than 60 percent of the trade.

Under mounting pressure from us, though, the nations have begun to act. Turkey has banned all shipments; West Germany and Italy are blocking the trade via licensing policies; Denmark has told shipowners she doesn't approve of the shipments; Norway has asked shipowners to "reconsider" hauling cargoes; Britain is "considering" our request for restrictions; Greece is asking shipowners to cancel chartering agreements.

ACTIONS OUTLINED

And now the United States, on its own, is taking action to tighten the trade noose around Russia's new satellite.

1. We're going to close all U.S. ports to all ships of any country if any of that nation's ships carry arms to Cuba.

2. We're going to withhold any U.S.-owned or financed cargoes from a foreign shipowner if any of that shipowner's vessels are used to carry Soviet cargoes to Cuba after the crack-down goes into effect.

3. We're going to bar from all U.S. ports any ship which delivers even clearly non-military Soviet cargoes to Cuba and then tries on the same continuous voyage to come to our ports to pick up cargoes to carry home.

4. We are forbidding all U.S. flagships or U.S.-owned ships to carry goods to and from Cuba.

The kicker is No. 2—for what it does is give the free world's shippers a choice between making short-term profits on Soviet-Cuban trade or long-term profits on hauling U.S. cargoes—and we offer the world's largest total of cargoes of all sorts. The choice, experts believe, is almost certainly to be what we want it to be.

Russia will, of course, be able to replace the ships. But it'll be far more expensive, far tougher, far more burdensome for her to push the Cuban buildup. From an economic-commercial standpoint, this is truly drastic action against the Soviet satellite 90 miles from our shores.

Mr. PROXMIER. In conclusion, this is not an act of war. It is not an act of war, but it will be singularly effective. The President and the State Department deserve a great deal of credit for this ingenious action.

PUBLIC KEPT IN DARK ON LOBBYING BY LOOPHOLES IN LAW

Mr. PROXMIER. Mr. President, I have been inserting in the *Record* a series of articles on the lobbying problem by James McCartney of the *Chicago Daily News*, who is an outstanding Washington correspondent.

This morning I have before me the fifth and final article in the McCartney series. The article shows how loopholes in the lobbying law prevent any kind of effective enforcement. Mr. McCartney dramatically describes how a top lobbyist for the American Medical Association took advantage of the loophole. Certainly that organization was exceedingly effective in killing the President's medicare proposal.

Yet, as the writer points out, the effort of the AMA does not show in the lobbying expenses that the AMA has reported under the Nation's 16-year-old Regulation of Lobbying Act. This is so, although the AMA has been conscientious in reporting its expenses and reports more than any other lobby working Washington.

For example, Paul R. M. Donelan, a top AMA lobbyist reported some expenses for the first three months of the year. The expenses he reported, however, in April, May, and June, the period when the battle over care for the aged reached a climax were nil. He reported no expenses at all in April, May, and June for travel, food, lodging, entertainment, or for anything else.

Mr. McCartney has shown that in the case of the AMA and the U.S. Savings and Loan League, a lobby which won a smashing victory over the President this year, and in other cases, the lobbyists can report or not report, pretty much depending on how they want to operate, with the result that the public is kept in the dark. The present lobbying regulation law serves virtually no purpose whatsoever.

I ask unanimous consent that this thoughtful article, entitled "Loopholes in Lobbying Law Prevent Enforcement," by James McCartney, published in the *Chicago Daily Times* on October 11 be printed at this point in the *Record*.

There being no objection, the article was ordered to be printed in the *Record*, as follows:

LOOPHOLES IN LOBBYING LAW PREVENT ENFORCEMENT—SIXTEEN-YEAR-OLD ACT KEEPS CONGRESS, PUBLIC IN DARK

(By James McCartney)

WASHINGTON.—The American Medical Association has been credited with one of the

great lobbying campaigns of modern times with its drive this year to kill hospital care for the aged under Social Security.

But it doesn't show in the lobbying expenses the AMA has reported under the Nation's 16-year-old Regulation of Lobbying Act.

One of the AMA's six registered lobbyists, Paul R. M. Donelan, for example, has listed his total expenses for the first 3 months of this year for travel, food, lodging, and entertainment at 50 cents—one-half a dollar.

This would be in a period when the medical issue was much in doubt and AMA efforts intense.

Even then, Donelan spent more for those purposes in the first 3 months of the year, according to the report, than he did during April, May, and June—the period when the battle over care for the aged reached a climax.

He reported no expenses at all in April, May, and June for travel, food, lodging, entertainment—or for anything else.

These expenses are not far out of line, however, with those reported by some other lobbyists engaged in big campaigns.

A lobbyist for the U.S. Savings & Loan League—which staged one of the largest mail campaigns in history this year—reported \$9.50 as his total expenses for the first 3 months of the year.

But neither Donelan nor the savings and loan lobbyist should be blamed if the figures appear to be somewhat ludicrous.

The fault lies not with them but with an act that has been labeled as ineffective by almost everyone who has taken the time to study it—including both the American Medical Association and the Savings & Loan League.

An AMA spokesman as long ago as 1957 described the act as "full of ambiguities" and suggested that it would be "a great service to the country to see the laws cleared up."

As the act stands now, no one knows who is supposed to register or how expenses are supposed to be listed.

And because the writers of the act failed to set up an administrative or an enforcement agency there is no one around to provide answers. The Justice Department abandoned serious enforcement efforts years ago because of the law's vagueness.

The last congressional group to study the problem, a Senate committee headed by Senator JOHN MCLELLAN, Democrat, of Arkansas, in 1957, said the law needed a major overhaul.

The report was signed by Senator John F. Kennedy, since promoted.

But Congress—never anxious to crack down on lobbyists—has never moved.

The result of the peculiar, unenforced law is to create the impression that lobbying is regulated, while, in fact, it is not.

The National Association of Manufacturers has a Washington office of about 40 persons and the stated goal of acting as the "spokesman for American industry."

But the NAM does not register under the regulation of Lobbying Act.

Americans for Democratic Action, at the opposite political pole from the NAM, was formed to voice liberal, independent views.

It doesn't register under the act either.

The General Dynamics Corp., is the Nation's largest defense contractor with more than \$1 billion in Government contracts.

It maintains an office of 35 to 40 persons in Washington to service the contracts and, often, to see what can be done to get more.

Its representatives roam the corridors of the Pentagon.

It has no registered lobbyists. But then, neither, apparently, does any other of the Nation's top defense contractors.

More than 6,000 individuals or groups have registered since the law went on the books but no one knows what that means. If someone had registered in 1946 and died the next day his name would still be on the lists, and will presumably stay there through eternity.

But other groups among the most influential in the country and very much alive aren't on the lists at all.

Ridiculous situations arise, too, in reporting lobbying expenses by organizations.

The American Medical Association campaign against hospital care for the aged has been estimated on the floor of the House to have cost more than \$7 million.

The AMA's reported lobbying expenses have been much less than \$200,000.

The fact is that the present lobbying law doesn't cover the kind of grassroots lobbying campaign that the AMA has waged—by far the most common kind of major campaign today.

Most lobbying authorities, including the McClellan committee in 1957, have noted the trend toward massive letterwriting campaigns, but the lobby law completely overlooked them.

There are other important areas the lobby registrations law does not touch, too.

It does not, for example, cover lobbying with the executive branch of the Government—either to enlist the support of administrative officers for a legislative program or to influence rule and regulation making.

The president of E. I. du Pont de Nemours, Crawford M. Greenewalt, who came to Washington many times to visit top Government officials about the "Du Pont bill" did not register under the Lobby Registration Act.

The attorney who planned the campaign, however, registered fully.

Former Senator Majority Leader Scott Lucas, of Illinois, now a lobbyist, estimates that he spends more than 95 percent of his time working with executive agencies. He is no exception.

Nor does the law cover "groups or corporations" which do not solicit or collect money—a large category indeed.

The law was passed in 1946 almost as an afterthought as part of the Legislative Reorganization Act, which "streamlined" Congress.

It has been existing as an afterthought almost ever since. It was dealt a crippling blow in 1954 when the Supreme Court ruled, among other things, that it covered only groups with the principal purpose of influencing legislation.

Many groups—like the NAM and the ADA—say this is not their "principal purpose" and thus they need not register. No one is around to say they must.

The Supreme Court, however, did not mean to kill the effectiveness of the law, which many lawyers believe was poorly drawn in the first place.

Said Chief Justice Earl Warren in rendering the Court's opinion:

"A full realization of the American ideal of government by elected representatives depends to no small extent on their ability to properly evaluate . . . pressures.

"Congress has not sought to prohibit pressures. It has merely provided for a modicum of information from those who for hire attempt to influence legislation or who collect or spend funds for that purpose.

"It wants only to know who is being hired, who is putting up the money, and how much."

Congress today does not have that information. Nor do you.

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

BERLIN

Mr. KEATING. Mr. President, I was very glad to learn that the President and the Secretary of State are seriously concerned over the up-coming crisis expected on Berlin. I rejoice that this subject is now being discussed at length with our allies and others throughout the world. It is perhaps the most important problem which our Nation faces. But more effective than any words at this point would be some decisive action on our part, a move that would show the Communists that we do not intend to be pushed around or taken by surprise in Berlin. So far we have seen no deeds at all, only words, even though there are clearly steps within our power which we can take now that would better prepare us to meet a new threat in Berlin that would warn the Communists that we are serious in our determination there.

My purpose today—because I assume we are bringing the Congress to a close—is to propose one constructive step that we can take now in that direction, and that is the consolidation of Allied authority in Berlin, at least temporarily, so that there will be one Allied commander to meet the crisis expected within the next few months, so that action can be fast and decisive without lengthy consultation at every step. That is the kind of leadership which in my judgment the United States must strive to produce at this point if we are really to convince the world of our determination in Berlin. If our allies do not agree on that, we may have to go it alone. But, first of all, a strenuous effort must be made to set up a single supreme Allied commander, as we had in World War II, at the critical point.

The Communist refusal to permit a British ambulance to come to the aid of a West German injured person last weekend by East German police was a bitter rebuff to Western rights of access throughout the city. It is an ominous sign of what we can expect from the East Germans if a peace treaty is ever signed.

Yet what was the allied reaction to this clear violation of our rights? After 24 hours of consultation, we decided to send a note of protest, which the Soviet Ambassador in East Berlin promptly rejected. Frankly, I am not at all surprised. Why should he continue to take these futile slips of paper that come out of our diplomatic mills with increasing frequency, full of sound and fury, but signifying, in terms of policy or action, absolutely nothing? No doubt the rejection of the note required another 24 hours of consultation between the allies before we came up with another statement, protesting the rejection of the note and publishing it in the press. Perhaps next time, for variety's sake, we might try to deliver our protest in Moscow instead of Berlin. To all intents and purposes, note-passing is the extent of our firm and determined Berlin policy at the moment.

Mr. President, a review of published sources indicates that between last August 13, when the Wall of Shame first went up, and the end of August 1962, 39 notes of protest were sent by the Western

Allies to the Soviets. These include Big Three joint protests, parallel notes of protest by all the powers separately, and individual protests by the United States, Britain, and France independently. These protests covered such flagrant violations of allied rights as the building of the wall, the stepped up harassment in the air corridors, and the persistent Soviet massacre of unarmed refugees trying to make their escape; they also included protests over mistreatment of individual allied servicemen. So far as can be determined from the published reports not one of the Big Three protests was satisfactorily answered, and the great majority were rejected entirely, like our latest protest over the ambulance.

None of these protests have had any effect whatsoever. Note-passing is no substitute for effective action, and I for one think that it is time we prepared ourselves to anticipate the next Soviet move ahead of time and try to block it instead of protesting when it is too late to change the facts.

Furthermore, Mr. President, of even greater concern than the ease with which the Soviets have gotten away with this latest slap at our rights, are the reports that no attempt will be made to force access to East Berlin for any allied vehicle, whether it be on an errand of mercy or a military patrol. This report, prominently featured in the press and not subsequently denied in any source that I have seen, indicates that the Western nations have apparently agreed among themselves not to insist on their rights in East Berlin. At the same time, we have not demanded or asserted any other rights in retaliation. In effect, we are accepting the status quo while leafing desperately through the protocol books to find a new Soviet representative to whom we can deliver our unending spate of diplomatic protests.

Mr. President, as I have said before, it would be disgraceful to trade the freedom of West Berlin in any kind of a deal. It has been denied that any deal is under consideration. It is even more disgraceful simply to give it away without even mentioning a quid pro quo. This appears in fact to be what we may be in danger of doing.

I speak today in the hope that it will be one small voice in protest against this, and one small voice which will try to prevent this action from being taken.

Furthermore, Mr. President, another trial balloon seems to be lofting up into the harassed Berlin skies, the plan for internationally controlled access authority. The indications are that pressure is again being put on the Bonn government to go along with a plan that, in my judgment, can have no justification whatsoever. The plan to set up an international control authority as originally suggested several months ago was to have included the United States, Britain, France, the Soviet Union, Poland, Czechoslovakia, Sweden, Switzerland, Austria, West and East Germany, and West and East Berlin. Originally there were strong West German objections, as well there might be. Now we are led to believe that some of those objections

have disappeared, a report which I for one find very difficult to believe.

It is being reported from authoritative official resources. They are always very careful never to use names in these cases.

I am deeply puzzled, Mr. President, to understand the predilection of our officials for the establishment of international agreements, guarantees, and authorities to settle matters which are basically beyond the scope of genuine international agreement. Surely the course of the much-vaunted settlement in Laos, which was to guarantee the exodus of foreign troops and provide for a neutral nation under international agreement, should have awakened us to just what we can expect from the Communists. Our troops have left; the Communists are still there. We have kept the agreement. They have, as usual, paid no attention to the agreement.

Do we never learn? How much further do we have to go in Berlin, how much more do we have to yield, before we recognize that our position in Berlin, eroding steadily as it is, will be weakened, not strengthened, by any kind of hydraheaded international control authority?

Surely, Mr. President, if we have learned anything in the 17 years of tangled negotiations, deadlines, and crises over Berlin, we must have recognized that one of the great weaknesses of the Western position vis-a-vis the Soviets in Berlin is that we are three whereas they are one. They can act quickly and decisively.

We always have to confer for 3 days first. They can in fact erect an entire wall around their part of the city without any responsible person in allied circles having any idea that they were going to do it. Whether we blame ourselves for incredible blindness or the Soviets for incredible skill, it is clear that such efforts are completely out of the question for the Western Allies when the simple matter of access for an ambulance has to be discussed for 24 hours before a note of protest can be drafted.

Moreover, after 17 years of experience with Soviet harassment in Berlin air corridors, there is no indication to this day that we have devised effective methods for protecting the lives of air travelers in and out of Berlin or the security of the Berliners themselves who are consistently subjected to Soviet buzzing. Meanwhile the Communists are now lining up fighters, to harass even more viciously. All we have thus far devised, after lengthy conferences, is the threat that, should harassment in the air corridors become unbearable, we would use fighter escort—not a very satisfactory approach in my judgment.

What is more, there have been virtually no measures to meet the Soviet trick of flying low over the city, buzzing houses, and thus trying to lower morale and build up new anxiety in West Berlin. I know only too well, from my own experiences and from the steady flow of letters from New Yorkers who live around the larger airports, what an ordeal continued airplane noise can be. In 1948 and 1949 this sound meant freedom and survival to Berliners. Someday

again we may have to resort to such measures. But in the meantime, I should not think it would be beyond the ability of our forces, in cooperation with the West Berlin government, to provide some kind of protection against this wanton provocation and harassment by the Soviets. Mere notes of protest will not solve the problem. Some effort, imagination, and enterprise on our part might.

All those who have tried to act decisively in Berlin, and in particular Gen. Lucius Clay, who has rightly won the confidence of the people of Berlin for his appreciation of what firm action can accomplish, have emphasized again and again the great handicaps and problems of three-power control. Even though this status was inevitable and does reinforce the united support of Western Europe for the freedom of West Berlin, it has been a serious tactical disadvantage.

Yet despite this lesson, which is very evident to anyone who has been on the spot, we are now apparently prepared to move even further in this direction and to tie our hands, not only to 2 other powers, but to 12 others. Our position in West Berlin under such an arrangement would be like Gulliver in Lilliput: we would be tied down by a maze of threads. Our every move would be restricted by the lines of multilateral commitments, each one small in itself, but taken as a whole quite sufficient to immobilize even the giant power of the United States.

Why should our Government deliberately draw up plans to try to hamper its freedom of action in this way? Everywhere in the world, from Cuba, to Berlin, to Laos, we are bound by the requirements of consultation and deliberations with our allies before we can take action. Cooperation among allies is fine, and I am all for it under existing treaties. It is essential to have cooperation among allies. But I see no valid reason for deliberately creating new organizations for consultation when, so far, we have not yet succeeded in getting any effective action out of the organizations we already have. Moreover, any such organization, with Communist membership, could be driven into deadlock—or worse—as easily as the United Nations.

Let us also not forget, in assessing a possible role for neutrals, that India's Prime Minister Nehru stated right after the wall was built that the East Germans had a perfect right to seal their border and that the allies were in Berlin, not by right, but as a Soviet concession. He was wrong—dead wrong; but that was his position. That is what we can expect from neutrals. On Berlin as on the question of Soviet nuclear testing, the neutrals at their Belgrade conference right after the wall went up generally refused to condemn Communist acts and preferred to look the other way.

There is only one condition under which I believe an international authority for access to Berlin could be successful—and that is if the authority really were "authority"; if it really had power; if it were headed by someone who had the right to make on-the-spot decisions and carry them out. But let us not fool

ourselves. It would be difficult enough to get the United States, Britain, and France to delegate such authority to anyone. The Communists would never do so. Certainly I cannot conceive that any 13-member body, particularly with neutrals and Communists as members, would ever agree to a strong, effective central authority, especially since the main purpose of that authority would be the defense of the access routes necessary to preserve the freedom and independence of West Berlin from communism.

Let me conclude by making these three points:

First, after the successful refusal of the Western Powers to permit Soviet armored vehicles into West Berlin and the demonstration of the value of firmness, we have once again reverted to our previous pattern in the ambulance incident. We accepted the new restrictions imposed. We sent a note of protest. We complained. We reaffirmed our determination to stand fast. And we did nothing more.

Mr. President, in my judgment, every action of the Soviets must be met by a reaction on the part of the West, and I do not mean a reaction of pen on paper. I mean a tangible, evident, physical reaction in Berlin such as refusing admittance to Soviet guards for the Soviet memorial, or detaining of Soviet troops within West Berlin, or best of all, insisting even against the point of a gun that the ambulance be admitted on its errand of mercy. The principle laid down by General Clay is valid for all such incidents: So act that the Communists, not the West, must be the first to use force to accomplish their objectives. I cannot believe the Communists would have been prepared to fire on a British military ambulance for trying to help a wounded man; but if they were, then the burden of responsibility would have been on them beyond all shadow of doubt, and world opinion would have backed up the position of the Western Powers, not the Soviets.

Mr. President, several weeks ago I denounced the possibility of a deal on Berlin. After the latest events, I think that I may have been overly optimistic. There is no sign of a deal. All I see now is a giveaway. We are asking nothing at all, and we are getting nothing in return, except perhaps a new set of Communist pledges which are not worth the paper they are written on, as the events in Laos have most recently demonstrated.

Second, what we must aim for in Berlin is not a further diminution and dispersion of power and authority in a 13- or even a 5-power agreement, so that whenever a crisis comes up it will take 2 weeks to confer and reach a decision. Twenty-four hours is too long as it is. We need a consolidation of power and authority in Berlin, a strengthening, not weakening, of decisionmaking power. Any action which would make it more difficult to reach rapid and firm decisions is an action which in the long run will aid the Soviets, not the West. That point must never be forgotten.

Third, and most important, in preparation for the serious crisis which is anticipated later this year, we cannot afford to continue the present bureaucratic

channels of responsibility. We must be ready, not only with stacks of documents and policy-planning alternatives stacked in the basements of Washington, D.C., but with an enterprising, imaginative, and competent person on the spot who has the authority to make an immediate decision and enforce it. Only when we have stationed in Berlin—not in Bonn, or Geneva, or Paris, or Washington, but right in Berlin—one person who can speak for all three powers in a voice that will carry instant weight will we be in a position to meet the next Soviet move.

Mr. President, over the last few years we have been taken by surprise around the globe—first, by Castro's turn to the left in Cuba; second, by the erection of the wall of shame in Berlin; third, by the great influx over the last few months of Soviet men and munitions into Cuba. The mistakes have been bipartisan, I freely admit; but all of us can learn from them. When, oh when, Mr. President, are we going to be ready? How much longer can we afford to shilly-shally? When are we going to take the necessary steps to defend our interests? In my judgment, in spite of such sweeping measures as the reserve callup authority bill, and the latest, somewhat overdue, restrictions on shipping for Cuba, we still are not ready for the next Soviet step. The ambulance incident clearly shows that. We do not know what will happen next, or where, or how to cope with it.

By the way, Mr. President, the restrictions on shipping for Cuba are not, in my judgment, as effective as some have thought them to be, although they do have some effect, and I commend the Secretary of State for moving in that direction.

Mr. President, there is no time to waste. At this point we have nothing to gain by tossing about nebulous plans for international agreements. We must quickly get our own house in order, so that the right hand will know what the left hand is doing. I am very deeply concerned that as yet we have not done this where the danger has been greatest and still is greatest—in Berlin.

Mr. President, the resolution adopted on Wednesday is undoubtedly a plus; but it contributes very little, one way or another, to effective action in Berlin. If I may paraphrase one of the great American orations of all time: The world will little note nor long remember what we say here, but it can never forget what they did there—in Berlin. If the city of Berlin is not again to become a graveyard, a place where another generation of youth will have to give their lives for the freedom and self-determination they hold dear, we must do more than talk. If this resolution can awaken the Government of this country and the governments of the countries of Europe to the threat we face, it may serve a useful purpose. But if it does not, our strongest words today will be as idle as all the notes of protest over Berlin that during the last 17 years we have conveyed to the Soviet Union.

Finally, Mr. President, I have one additional suggestion to make: I think it would be an important and worthwhile act of solidarity between the people of

the United States and the people of Berlin if the original text of this resolution could be officially conveyed to the people of Berlin, for permanent exhibition and display in that city, as a continuing sign that the United States recognizes and stands by its international obligations. It will do more good in Berlin, where it can be seen by friend and foe alike, than to be buried in the cellars of the National Archives, where its existence would soon be forgotten.

In sum and substance, Mr. President, I am sincerely convinced that the way to peace lies in firm action, not just words; whereas the way to war is through concessions and retreats, to a point where one's back is against the wall, and there is nothing to do but fight. It is to avoid such a situation that I urge firm action. It is for that purpose that I have spoken today, in making what I hope are some constructive suggestions.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PROXMIER in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE HEARINGS THAT CHANGED TELEVISION

Mr. KEFAUVER. Mr. President, more than 5 years ago, as chairman of the Subcommittee To Investigate Juvenile Delinquency, I investigated the overemphasis on crime, violence, and lurid sex on our Nation's television screens. At the conclusion of those hearings, the television industry promised to clean things up, to police itself, to establish standards of practice that would bring about more wholesome types of television shows, particularly during the hours when millions of children are among the viewing audience.

Performance, however, is not always up to the promise. Over the last 15 months, under the inspired chairmanship of the Senator from Connecticut [Mr. Dobb], the television industry's performance was reexamined, to see how well its pledge was kept. It was at once obvious that not only was the industry's pledge to police itself and to improve the quality of programming not kept, but the programming had deteriorated in almost every category.

In that 5-year interim, television programming that many experts in human behavior consider undesirable for children, increased from 15 percent of the prime program time to 50 percent of prime time. More killings were portrayed per show, and the killings were more vicious. Senator Dobb found that more than half the programs broadcast during prime time were devoted to shows glorifying sex, violence, and antisocial behavior in general—shows that tended to give children the impression that life's problems are solved with the knife, the fist, and the gun.

Since Senator Dobb adjourned the television hearings earlier this year, there has been a noticeable change in television programming, and I am convinced that further changes and improvements are imminent.

Mr. President, an excellent summary of Senator Dobb's long months of investigation and hearings were published in the fall issue of *Telefilm* magazine. The article is taken largely from the records of the hearings, and is authoritative in detail. I commend it to the attention of my colleagues, and ask that it be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE HEARINGS THAT CHANGED TELEVISION

As congressional investigations go, few have been more useful than the one just completed by the Senate's Juvenile Delinquency Subcommittee. The investigators did not document precisely the amount of juvenile delinquency which can be charged to TV, but they certainly succeeded in dramatizing the sterility and deadliness of the sex-and-violence cycle which dominated TV in recent years.

Beyond that, however, the investigation was unusually successful in demonstrating that the networks are exercising immense power over the kind of programs that go into the air, and that this concentration of power can be readily abused.

The investigation came at a time when networks were in unusually good standing in Washington. Recent increases in the volume of public service programming pleased many of the Washington critics who have been demanding "better TV." It seems to confirm the claim that networks need a free hand to plan their programming so that the public gets a "balanced" selection.

In its investigation of sex and violence, however, the Juvenile Delinquency Subcommittee found a situation where competition among networks led to disturbing results, with "bad" programming on one network driving out "good" programming on others. The process was able to go unchecked, largely because a few people at the top have so much to say about the programs that get the prime time.

Senator THOMAS DOBB, Democrat, of Connecticut, the subcommittee chairman, emphasized the fact that the three network programming executives—Oliver Treyz, then of ABC, James Aubrey, Jr., of CBS, and Robert Kintner of NBC—were all high officials of ABC in the embryonic development of ABC's concept of how to entice the viewing audience.

"This concept emphasized crime, violence, and sex," he said. "When these three men eventually became the operating heads of our giant networks, the race for ratings was on."

By digging deep into the industry's most intimate interoffice correspondence, the investigators were able to strip away the platitudes which smother most investigations in Congress or the FCC, and to provide the outside world for the first time with authentic vignettes of the scurrying that occurs in Hollywood and even in the ad agencies when the network bosses swing into action.

The subcommittee estimated that the crime-detective action-adventure, western type eventually accounted for fully 50 percent of total prime time, compared with only 15 percent in 1955. To demonstrate the danger of such a situation, it noted that fully 20 million children watch during these hours and that as many as 5 to 8 million children under 17 watch such shows as "The Untouchables," "Route 66," "Malibu Run," "Whispering Smith," etc., every night of the week.

The subcommittee drew on industry files to show that networks knowingly stepped up the sex and violence in programs which were favorites among children and teenagers.

"BUS STOP" AND "ROUTE 66" EPISODES MADE TO APPEAL TO TEENAGERS

Perhaps the best publicized example involved an episode of "Bus Stop" starring Fabian, the teenage idol. This particularly sadistic episode drew protests from sponsors and affiliates, but it went on the air on the personal insistence of ABC President Oliver Treyz.

The subcommittee record showed that ratings of "Bus Stop" had been sluggish at the time the Fabian episode was offered, and the future of the program was in doubt. The subcommittee also showed that special promotional arrangements were used to call attention to the forthcoming program.

In the end, the record showed the Fabian episode scored a substantially higher arbitron than preceding "Bus Stop" episodes. The increase was particularly sharp in children under 13, with 1.1 million tuned in for Fabian, compared with an average of 0.5 million during the preceding month.

During his appearance before the subcommittee, Mr. Treyz was asked: "Were you not aware of Fabian's special appeal to 10- to 14-year-olds?" He replied: "I was aware of his appeal to teenagers."

In the view of the subcommittee, ABC wasn't the only network to knowingly inject sex and violence into programs with big followings of teenagers. From the files of "Route 66" the subcommittee staff turned up a continuing hassle between CBS and Screen Gems, with CBS protesting that the program was too "downbeat," lacking romantic interest. The Screen Gems version, in the same documents, was that CBS was demanding more "broads, bosoms, and fun."

Wherever the responsibility rested, a subcommittee chart showed that there was continuing increase in the number of protests lodged by CBS program continuity department over sex in the program. In April 1961, W. H. Tankersley, director of program practices, Hollywood, spelled out his misgivings in a letter to Selmer Chalif, of Screen Gems.

He started by pointing out that TvQ showed "Route 66" to be particularly popular with young people, tied for second in the 12 to 17 age group, down to 6th for 18 to 34, and 14th for the 35 to 49 age group. "The appeal of this program to teenagers precludes such fare as 'The Newborn,'" Mr. Tankersley wrote. "Because of its time slot and built-in appeal to youth, this program cannot be regarded as a peripatetic 'Playhouse 90'; and it is hoped that Bert Leonard and Sterling Silliphant will cooperate with us in trying to avoid extremes which will be resented by parents."

"BROADS, BOSOMS, AND FUN," SHOW BUSINESS VERNACULAR

The industry files proved to be fully as titillating as any of the sexpots and hennies who were written into the programs. In fact the networks contended that the very validity of the memos was discredited by the extravagant language, and that such phrases as "broads, bosoms and fun" should be discounted as the normal vernacular of show business.

"The word 'broad', for example," Mr. Aubrey told the subcommittee, "is commonly used by show business people to refer to any woman." A memo by Howard G. Barnes, a CBS west coast executive had referred to an Aubrey "dictum" to put "broads, bosoms and fun" into "Route 66," but the CBS TV president assured the subcommittee these couldn't be his words, since he does not make a practice of using the word "broad."

There was a great deal of "torturing" of the English language—trying to avoid the connotations and meanings of simple words. The words "broads, bosoms and fun" were

not accepted as being the jargon of Hollywood by the subcommittee.

The investigators have not, of course, achieved any revolution in the character of network programming. But they undoubtedly contributed to the dismissal of at least one network head; they supplied valuable ammunition to those who hope to put some curb on the power exercised by network heads; and they strengthened the hands of those in the continuity acceptance branches of the networks and the code authority of the National Association of Broadcasters who must resist the efforts to hypomediocre programs with injections of material to stir the libido of the teenagers, and the deprived imagination of those who crave violence.

CREATIVITY HAMPERED UNDER NETWORK DICTATES

The concentration of power in the networks has been a matter of controversy in Washington for fully half a dozen years. Initially it was denounced as a bad thing, with independent creativity crushed under the harsh dictates of the networks. By the time the FCC organized its massive public hearing on TV programming early this year, however, networks were no longer discounting their power, but were insisting that they need—and ought to have—the final authority to dictate what goes onto the air.

Even the FCC attitude on option time has softened under the most recent network blandishments. For the networks, basking in the popularity in Washington of their new "public service" programs, have successfully "sold" the idea that the affiliates—if left to themselves—would surely reject all "quality" programming in order to put on programs with "mass appeal."

The ability of networks to control the programs that go into prime time, and the tendency of the programming executives to pick the programs that have high ratings had been fully demonstrated nearly 3 years ago, when the House Committee on Legislative Oversight, under Representative OREN HARRIS, was looking into TV quiz shows. But the Harris subcommittee was content to merely blast the quiz shows off the air. Far from levying scorn on the networks, or the network executives for tolerating the rigged quiz shows, the Harris subcommittee willingly advanced the idea that the networks had been "victimized" by outside producers whose affairs the networks were powerless to control.

It is interesting to note that the TV network executives called to Washington on the earlier TV quiz scandals were the same men called before the Dodd subcommittee on "sex and violence" charges.

In the early stages of the juvenile delinquency probe in mid-1961 the network testimony seemed to be following the same course that it took before the Harris subcommittee. Networks argued that the increase in sex and violence simply reflected the taste of the American people, or the paucity of imagination of writers and producers.

Networks pictured a continuing tug-of-war in which the producers are at least as adamant as the networks. While they readily conceded they attempted to influence the content of programs, the networks wanted the subcommittee to believe they exercise only a benevolent influence which seeks to assure "quality" programming, rather than the sordid material which the subcommittee questioned.

SEX AND VIOLENCE; A MATTER OF ECONOMIC SURVIVAL

It was indeed a discouraging prospect. Producers and writers were putting sex and violence into programs as a matter of economic survival, the networks argued. Even where network personnel were parties to the decisions, the decisions were group decisions, so no one man could be regarded as responsible.

If it were not for the skepticism of the subcommittee staff, the juvenile delinquency investigation might have ended—as so many other investigations by Congress and the FCC have ended before—with the conclusion that the country gets just about the kind of TV it wants and demands. But the investigators—led by Carl Perian—dug behind the oral testimony into the written files, and the documents which were placed on the public record demonstrated—according to Senator Dodd—that networks are in a position to, and do control program content, and this control is not necessarily exercised with a sense of responsibility.

Whether the network bosses are as venal as some of the documents imply continued to be a matter of dispute. But the existence of such vast power necessarily represents a serious problem, the Senator believes, and some form of regulation is indicated to assure that the networks exercise their power in the public interest.

AUDIENCE RESEARCH NOT FOLLOWED

The subcommittee also examined at length "Whispering Smith," a half-hour western series. "Whispering Smith" was produced by Revue Productions, a division of MCA-TV, Inc., in 1959 and 1960 for NBC and was held by NBC in inventory until May of last year. The first episode appeared on May 15, 1961, at 9 p.m. on the east coast. In March 1960 NBC had submitted the "Hemp Reeger" episode to Communication & Media Research Services, Inc., of Peekskill, N.Y., an independent testing organization, to conduct a study of audience reaction to the "Whispering Smith" series. The "Hemp Reeger" episode was viewed by 262 men, women, and children on March 28 and 30, 1960. The test findings of Communication & Media Research Services are summarized in a memorandum from Mr. Willis Grant, an NBC employee, to Mr. H. M. Beville, Jr., NBC's director of research. Among the detailed findings was the following:

"The sexual implications of the show were disliked by men and children as well as by women. Nearly all (97 percent) of the people felt there was too much emphasis on sex. The scene with Flo in Smith's room was disliked by 63 percent of the people. Three-quarters of the people (men, women and children) felt that this show was unsuitable for children."

On July 17, 1961, the "Hemp Reeger" episode was shown on the home TV screen—apparently with no regard to this audience reaction test.

ABC and CBS were less successful in defending "Bus Stop" and "Route 66." After Oliver Treyz had been removed as head of ABC, Leonard Goldenson testified that he regarded the broadcasting of the Fabian episode as a mistake in judgment as soon as he saw it on the air. CBS argued vehemently, but not entirely successfully, that its sole interest of "Route 66" was to insist that it be less "downbeat."

ADVERTISING AGENCIES' POINT OF VIEW CITED

Documents turned up by the investigators showed that three out of the six advertising agencies which viewed a pilot of "Route 66" in April 1959 warned the network that they were concerned about the amount of violence, and the report showed that Leo Burnett of the Burnett agency made a mighty—but unsuccessful—effort to persuade Philip Morris that it should not be associated with a show featuring so much "violence and morbidity."

When the show was enmeshed in rating troubles the producers and the network huddled in November 1960. Later, William Dozier, vice president in charge of west coast operations for Screen Gems, wrote Herbert B. Leonard, head of Lancer Productions: "There is not enough sex in the programs. Neither lead has gotten involved for a single episode with the normal wants of a young man,

namely, to get involved with a girl or to even kiss her.

"Jim Aubrey made the concrete suggestion that the boys settle down for a period of weeks in one location and get involved with a locale, the people in it, and some one or both might get a job for a while in some kind of transient-type business."

But CBS west coast officials remained uneasy. In a memorandum dated January 5, 1961, Howard G. Barnes, of CBS, reviewed for Guy della-Cioppa, his superior (both have subsequently left CBS), four episodes of "Route 66" written or filmed since the November crisis. "As a one-line critique of the stories," he wrote. "I should like to say that they are a far cry from Jim Aubrey's dictum of 'broads, bosoms and fun.'" The subcommittee found some juicy reading in his memorandum:

At the meeting in your office, he recalled, Mr. Aubrey had laid down "in quite clear and unmistakable terms" to Mr. Leonard and other Screen Gems people "the direction in which he felt the series should go" to "gain strength on the air and attract considerably larger audiences."

"You will recall at the end of this meeting there could be little misunderstanding on the part of anyone as to what was expected to materialize. You will, I am sure, further recall that Mr. Leonard's response to all this ultimately was, in essence, 'I like success as well as anyone, and if you feel this is the way to achieve it, I'll do what you say.' Further," he reported, "you'll recall that Mr. Dozier expressed his agreement and assured us that what we wanted would be forthcoming; Mr. Chalf sagely nodded in agreement."

"The Quick and the Dead," a story about autoracing, which was the first to follow from the conference, "seemed to have the lush, fun atmosphere we wanted," he wrote. But the casting of Susan Kohner as the daughter resulted in a "psychologically downbeat" situation. "Her sharp-featured, somewhat bug-eyed, neurotic countenance, along with the direction of Doug Heyea, left little question that this girl was a sick one indeed."

"The Clover Throne," he reported, "is the story of an older man—a date rancher—in love with his ward, a hypersex 'Baby Doll' character who is on the make for every pair of pants that comes by." She eventually becomes involved with a neurotic convict, "who is planning to murder the rancher in conspiracy with 'Baby Doll,' but who takes his eye off the ball long enough to attempt to rape the kid."

The setting of this episode in the stark, hot, perspiration-producing bleak countryside around Indio, Calif. (a far cry from the Bel Air Hotel swimming pool), worried Mr. Barnes. "However," he added, "in defense of their spirit of cooperation, I must acknowledge that 'Baby Doll' has a more than generous share of bosom, amply displayed, and wears over a pair of very high spiked heels the tightest pair of slacks ever to be entered by womankind without mechanical assistance."

The Barnes comment on "The Clover Throne" was not the only evidence that the producer made some attempt to comply with "The Aubrey dictum," Senator Dodd later said. A staff analysis of CBS-TV continuity acceptance reports on "Route 66" indicated a definite increase in the number of objections based on sex by continuity acceptance officials.

A January memo from Dancer-Fitzgerald-Sample reported: "Numerous recent stories have included an almost standard character in the shapely form of a sexpot—usually young—whose aim in life is to stir the libido of (a) the villain; (b) Buz; (c) male viewers just anywhere. This tightpants type, with variations, has turned up in 'Three Sides,' 'Layout at Glen Canyon,' 'The Beryllium

Eater,' 'The Quick and the Dead,' 'The Clover Throne' and 'Fly Away Home.' In some of the episodes the part was well handled; in 'Layout' and 'Quick and the Dead,' it was an embarrassing and gratuitous display."

PROPER APPROACH FOR SERIES DISCUSSED

By April the program was in trouble again, and a letter from Mr. Aubrey warned that "we will be forced to take into consideration the possibility of discontinuing our association" if the production team "continues to disregard our repeated and emphatic suggestions on the proper approach for this series."

Mr. Aubrey complained that stories were too "downbeat," but a response from Herbert Leonard, cocreator and owner of the series, to William Dozier complained that Mr. Aubrey was trying to change the character of the show "and make it nothing more than an hour situation comedy or an ordinary action show."

The sponsors—Sterling Drug and Chevrolet—are asking, he wrote, "What has happened to the hardhitting show they both bought based on the pilot?"

"Where is the reality?" they are asking. "Where is the drama? Where is the movement? For God's sake get rid of those baby doll sexpots and the rather obvious and cliché characters."

In his comments on these memos, Mr. Aubrey took the position that his problem was "to lighten up the show," to "take the violence out" and make the backgrounds "more recognizable." He favored "normal, attractive girls," rather than "neurotic broads."

"Unless we continue to apply pressures constantly," he complained to the subcommittee, "there is a tendency by the people who create these programs to do things they term 'box office.'"

ADVERTISING AGENCY ACCEPTANCE WAS A FACT

Critical material by continuity acceptance personnel, or by advertising agencies was based on pilots or unedited episodes for the most part, he contended. As proof of the propriety of the material that actually went on the air he pointed out that the sponsors—Chevrolet, Sterling Drug and Philip Morris—were all going into their third season. "These are companies of high integrity. They sponsor it and merchandise it. If they felt that it was in any way bad taste they would have nothing to do with it."

Thomas W. Moore, now head of ABC-TV, came under fire for "sanctioning and actively supporting"—while head of programming for the network—"the high level and types of violence that were the hallmarks of 'The Untouchables.'" It was late in the afternoon; and he was dismissed after only a brief appearance. The September 1959 removal of Norman Retchin, as producer for the program, was not his doing, he declared. But he made no apology for the violence in "The Untouchables." It was an era of violence. Action was a necessary and proper element in the program.

NETWORK HEADS DENY ALL

At a final summing up session in mid-May, the subcommittee heard Frank Stanton of CBS, Robert Kintner of NBC and Leonard Goldenson of ABC all deny there was any conscious effort to introduce unnecessary sex and violence into programs.

Asked to comment on the memos which reported that Jim Aubrey called for broads, bosoms, and fun in "Route 66," Dr. Stanton snapped, "It never happened." Mr. Kintner declared, "There is absolutely no truth in any statement that I have directed the inclusion of any improper elements of sex and violence in any NBC program." Yet the subcommittee has direct testimony to the contrary and supporting documentation. Mr. Goldenson deplored the fact that ABC let the Fabian episode of "Bus Stop" go out on

its network, but he insisted that the writers of "The Untouchables" are merely trying to portray the prohibition era as it actually was.

In his verbal jousting with Senator Dodd, Dr. Stanton took the position that it was not necessary that he be informed of every controversy that arises over programs since it's his job "to study overall network policy, not keep track of individual incidents." "Even a situation where a sponsor protested that there was too much brutality on a 'Route 66' episode which showed a man beaten with a chain?" Senator Dodd asked. "Even an episode like that," Dr. Stanton replied.

At the hearing, the dialog between the Senator and the network heads was often sharp. After Dr. Stanton denied he can be expected to watch everything, the Senator snapped, "If you are going to take the attitude that your head is in the clouds I don't think there is any hope for us." When Mr. Kintner and Mr. Goldenson proved equally nonresponsive he complained, "This fascinates me. It is a frustrating thing to have witness after witness from the television industry deny that a concentrated effort has been made to emphasize sex and violence" in view of the programs which the subcommittee has screened and the evidence it has reviewed.

Even the attractive NBC presentations with promises of better programming to come seemed to fall flat with Senator Dodd. "The abortive attempt to create children's programs and keep them on the air are all too frequent," he commented. "I refer to such programs as '1-2-3 Go' and 'National Velvet.' 'National Velvet,'" he recalled, "was awarded the 'Children's Show of the Year' award in 1961. But neither of these two fine programs is returning to the air next season."

REGULATORY CLIMATE FOR BROADCASTERS IN SEASON

While the network executives may have stalked indignantly away from the subcommittee hearings, there is no escaping the impact that the investigations have made on the regulatory climate for the broadcasters.

From a Government standpoint, there is not much that can be done in relation to the writers, the producers, the advertising agencies, and the sponsors, Senator Dodd recognizes. But there are actions to be taken by the industry, by Congress, and by the Federal Communications Commission to insure that the networks adhere to responsible programming standards.

Senator Dodd is proposing legislation to increase the power of the FCC over networks. Since he is not a member of the committees that handle Communications Act legislation, it hardly seems likely that his legislative proposals will go far.

Meanwhile, however, the factual information collected by his subcommittee has already been turned over to the Federal Communications Commission, where the whole subject of network responsibility in the field of programming is under consideration. From this voluminous study—including its own lengthy public hearing in January and February—the FCC is expected soon to consider new regulations or legislation to make networks accountable in some form for the power they exercise.

Network appearances at the publicly televised FCC hearings reflected the polish and self-assurance of a power group confident that its position is unassailable. The documents supplied to FCC as a result of the efforts of the staff of the Juvenile Delinquency Subcommittee caused some uncomfortable moments, and tended to erase some of the gloss from the network case.

In one respect, the subcommittee has already scored an extensive victory. From the start, it wanted to know about the achievements of the NAB's code staff. Largely as a

result of the pressure generated by the subcommittee's disclosures, the industry now seems prepared to take the code activity more seriously.

NETWORK POWER AGAIN DEMONSTRATED

The subcommittee's most telling blow was struck as a result of its investigation of the "Bus Stop" episode called "A Lion Walks Among Us," starring the teenage idol, Fabian. The determination of former ABC president Oliver Treyz to put that episode on the air despite the misgivings of sponsors and affiliates and his refusal to let NAB prescreen the program demonstrated conclusively the immense power held by network heads, and the great danger that such power can be abused.

During his appearance before the Dodd committee in January, Mr. Treyz was uncompromising in his determination to make the programming decisions without interference from anyone, including the NAB. Shortly afterward when the same evidence was reexamined before the FCC's public hearing on programming, he was ready to admit that perhaps he had made a bad judgment. It was shortly after that that ABC decided the time had come for Mr. Treyz to leave.

ABC's successful defiance of NAB shocked Senator Dodd and embarrassed the industry. "At our earlier hearings," he said, "you insisted that if we would give you a chance, you would police your own industry. But here you are," he told Mr. Treyz, "confronted with a request for NAB to screen one of your programs and you turn them down."

POWER TO CENSOR BY NAB REFUSED

His determination that NAB have power to prescreen programs became a matter of considerable controversy in the industry. NBC was ready to comply. But CBS, like ABC, continued to take the position that it was not going to let any outside authority see its programs before they went on the air.

All agreed, however, that the code was meaningless unless there was a serious effort to apply it. As an initial move, the code board was broadened to include representatives of each of the networks. Arrangements were worked out for the code board staff to get advance information which is supposed to provide an opportunity to spot questionable program practices before the programs go into production.

Seizing the opportunity presented by the "Bus Stop" episode, NAB President LeRoy Collins and Code Authority Director Robert Swezey have continued to press for other changes to breathe real life into the code. The staff is being expanded. Stations are to submit their logs for review. Closer contacts are being developed at the working levels in Hollywood and New York.

More recently, the FCC has said it may make the NAB Code applicable as a rule, if the networks continue to defy or ignore or evade the code.

In one further respect, the industry will continue to be reminded of its obligations in the field of juvenile delinquency. By mutual agreement of the industry and the subcommittee, some extensive studies are to be conducted to try to determine "the effect of television on children." The Department of Health, Education, and Welfare is to coordinate the work, with much of the "guidance" and financing provided by the broadcasting industry, and much of the actual research under the direction of Dr. Ralph Garry of the College of Education, Boston College, a member of the subcommittee staff.

The longer the research goes on, the longer the industry will find that TV's role in juvenile delinquency will be in the headlines. With Senator Dodd in the picture, it is not something that will be quickly forgotten, or swept under the rug.

POULTRY RESEARCH FACILITIES, EAST LANSING, MICH.

Mr. McNAMARA. Mr. President, I know all Members of the Senate are aware of the valiant fight waged by the distinguished senior Senator from Georgia [Mr. RUSSELL] in behalf of a sound appropriation measure for the Department of Agriculture.

As chairman of the Senate Appropriations Subcommittee, he was charged with heavy responsibility.

At this time, I want to extend my personal thanks, and the thanks of my State of Michigan, for his efforts to restore to the final bill \$450,000 for poultry research facilities at the Department of Agriculture research laboratory in East Lansing, Mich.

On August 25, when the bill first came before the Senate, the Senator from Georgia promised me on the floor of the Senate that he would do everything he could to see that the funds were appropriated.

As always, the Senator was just as good as his word. The \$450,000 for the laboratory is in the bill now awaiting the President's signature.

Mr. President, I ask unanimous consent that a letter I have received from the director of the East Lansing facility, describing the work done there, be printed in the RECORD at the conclusion of my remarks.

Again, my sincere thanks to the Senator from Georgia for his assistance.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF AGRICULTURE,
AGRICULTURAL RESEARCH SERVICE,
East Lansing, Mich., August 31, 1962.

Hon. PATRICK V. McNAMARA,
U.S. Senate, Washington, D.C.

DEAR SENATOR McNAMARA: On page 17562 of the CONGRESSIONAL RECORD of August 25, I note that Senator RUSSELL referred to the additional information you provided on the support and work of this laboratory.

I am listing below the grants that have been received in support of this research. This financial aid is in addition to funds allocated by our administrative agency, the Agricultural Research Service of the U.S. Department of Agriculture.

Donor	Amount	Fiscal year
Swift & Co.....	\$28,000.00	1947
Do.....	6,600.00	1951
National Cancer Institute.....	3,000.00	1948
Do.....	16,750.00	1949
Do.....	8,800.00	1950
Do.....	9,400.00	1951
American Poultry & Hatchery Federation.....	20,000.00	1951
Atomic Energy Commission.....	12,667.50	1951
Do.....	26,648.00	1952
Do.....	26,873.00	1953
Do.....	20,612.00	1954
American Cancer Society.....	23,068.00	1960
Do.....	76,749.00	1961
Do.....	54,881.00	1962
Do.....	69,164.00	1963

These funds have accentuated greatly the work we have been able to do.

Research at this laboratory is designed to bring about control measures for leukosis among chickens and turkeys. This disease complex is a malignant disease and causes a higher mortality and a higher financial loss (\$65 million annually in United States) than any other poultry disease.

This laboratory has shown it is caused by a virus and may be spread through hatching eggs, fecal material, incubator debris and by "carrier" hens which are clinically normal in appearance. We are now pursuing leads that we hope will result in an effective vaccine. Even though avian leukosis is a cancerous disease, there is no indication that it is transmissible to man.

The grants mentioned above by the National Cancer Institute and the American Cancer Society indicate that these organizations directly interested in human cancer not only follow closely the results of our research but lend financial support to it. This is also emphasized by the fact that just recently the National Cancer Institute requested this laboratory to produce hatching eggs from its inbred line of highly susceptible chickens for use by all of its scientists engaged in the study of leukosis and related tumors. Their previous use of small lots of such eggs from our laboratory stock has given a more favorable response than from any other source. We regret that our present facilities will not permit this laboratory to engage in this cooperative effort. However, there is a possibility that we may be able to locate nearby facilities that can be altered to meet requirements.

On behalf of this laboratory, I want to express to you our sincere appreciation for the timely support you gave recently in making it possible for us to continue uninterrupted, the research program. We hope the service rendered now and in the future will warrant your confidence and continued support.

Sincerely yours,

BERLEY WINTON,
Director.

THE CONGO

Mr. DODD. Mr. President, at the time when the extremist elements in the United Nations are again threatening military action in the Congo, it is more than ever imperative that we all try to understand what is going on in this remote area of central Africa.

There has been some excellent newspaper reporting from the Congo, but it has suffered from the inevitable weakness of all such reporting. By its very nature, newspaper accounts are piecemeal—they are fragments of a mosaic which must be seen whole before the situation can be truly understood. In a situation that is as complicated as the Congo, this is something that requires nothing less than book length treatment.

Two months ago there was published in the United States a book on the Congo which I would commend, in all earnestness, to my colleagues and to the American people.

The title of the book is "Rebels, Mercenaries, and Dividends."

The author is Mr. Smith Hempstone, correspondent in Africa for the Chicago Daily News and New York Post, author of "Africa—Angry Young Giant," and a winner of the Sigma Delta Chi Award for foreign correspondence. Mr. Hempstone has lived and worked in Africa since 1956. He has probably spent more time in the Congo and certainly spent more time in Katanga than any other American correspondent. He is a man, in short, who represents the profession of foreign correspondent at its very best. He was an eyewitness to both the Sep-

tember and December fighting in Katanga.

Mr. Hempstone is not an extremist. On the contrary, he is disturbed by the evidences of extremism that have characterized the support of United Nations policy in the Congo. Speaking about this situation, Mr. Hempstone said in his introductory remarks:

It is a commentary on America today that I should feel compelled to say that I do not belong to the American Committee for Aid to Katanga Freedom Fighters, am not a member of the John Birch Society, am not in the pay of the Katangan Government or Union Minière, and really could not care less about the fluoridation of water. I am a registered Republican, although I did not vote Republican in the 1960 presidential election. I do believe that the United Nations has a role to play in the world today—I had the privilege of fighting in a just war under its banner in Korea—and I believe the United States should remain in the international organization. I do not believe, however, that the U.N. is, or should be, regarded as a sacred cow endowed—through the laying on of political hands—with a supranational infallibility. When it becomes sacrilege to criticize the U.N. (or the U.S. Government, for that matter), the organization has lost its usefulness. The U.N. is not, to my mind, automatically a power for good in the world. It was created primarily to provide the machinery for the peaceful solution of international problems. If it is to be used for the adjudication of domestic disputes by majority verdict, only international anarchy can result. The U.N. has an immense capacity for good or evil, depending entirely on how it is used. If it is to be used to implement or condone aggression, as it has been in Katanga and in Goa, then it is a power for evil. It cannot, of course, act more morally or more effectively than the nations which constitute it. When the U.N. abandons the rule of law and permits the unbridled pursuit of national passions, no matter how popular these passions may be, it becomes worthless as an instrument for world peace. The United States, in this regard, bears a heavy responsibility, both because of its membership in the Security Council and its heavy financial support.

I state all this only because spokesmen of the present administration have found it convenient to tar with the brush of neo-fascism all those who find the position of the U.N. and the United States in Katanga to be morally and practically indefensible. Some administration spokesmen apparently find dissent intolerable. I would have thought that we, as Americans, would have had quite enough of that sort of thing with Senator McCarthy. You do not have to be white supremacists or to favor the impeachment of the Chief Justice of the U.S. Supreme Court, to have a feeling of revulsion and sadness about what the U.N. and the United States have done and are doing in Katanga. One serves neither one's country nor the U.N. by saying they are right when they are wrong.

Nor is Mr. Hempstone an unconditional hero-worshiper of President Tshombe. Again quoting from his introduction, Mr. Hempstone said:

This is not intended as an apology for President Moïse Tshombe or his regime. I am probably more aware of the weaknesses of the man and his government than many of those who criticize him most vociferously. I know Tshombe personally. My life has been threatened by his gendarmes. I have few illusions about him or about Katanga. Yet I also know his good qualities, his intelligence, bravery, and racial tolerance. I know

that his government, with all its faults, has the one essential characteristic of any administration and one too seldom encountered in Africa: the capacity to govern. I remember Katanga as it was in happier days, with mines working, shops open, children in school, churches full. I remember it as the U.N. and United States made it in December, with mortar shells falling in the parks where people used to walk, machineguns stuttering in the deserted, smoke-filled streets. If you listened hard then, you could hear a thigh-bone beating on that tinpan gong.

I have serious reasons for believing, Mr. President, although I cannot now reveal the details, that the Department of State over the past several months has been endeavoring to reestablish a friendly relationship with President Tshombe and to pursue a policy of conciliation, rather than passively supporting the U.N.'s tragically misguided policy of force in the Congo.

I have reason for believing that the State Department has been seeking to restrain the U.N. in recent months.

I have reason for believing that, while the Department approved the general terms of U Thant's proposals for the federation of the Congo, it was distinctly unhappy over the fact that U Thant saw fit to couple this proposal with a crude 10-day ultimatum, and with the threat that economic sanctions would go into effect automatically if the proposal were not accepted within that time.

I have reason for believing that the State Department was equally unhappy over the U.N.'s decision to move Léopoldville troops into Katanga under the U.N. umbrella, on the very day that Tshombe stated his acceptance in principle of the proposed federation; that it did not approve the irritating and pointless aerial blockade which the U.N. imposed on Katanga at the request of the Léopoldville Government; that it has not approved of some of the provocative military actions of the U.N. forces in Katanga in recent weeks and of the incredible rudeness of the U.N.'s official communications with Tshombe.

As an example of this rudeness, I want to read to my colleagues the text of the letter written by Mr. E. W. Mathu, U.N. representative in Elisabethville, to President Tshombe on August 29:

MR. PRESIDENT: I have the honor to acknowledge receipt of your letter of August 28, 1962 (reference No. SR/106/) relative to the delay in accepting the plan for national reconciliation.

Mr. R. K. Gardiner has instructed me to advise you that the word "reply" which he employed in his accompanying letter of August 24, 1962 (KAT-133/62), should be interpreted as signifying "acceptance or refusal of the plan" and does not allow of any commentary or discussion.

Mr. Gardiner instructed me, among other things, to make it clear that if the Katangan authorities have recourse to such quibblings (in an effort) to avoid a frank decision, we shall consider such an attitude as a rejection of the plan.

Please accept, Mr. President, the expression of my very high esteem.

E. W. MATHU,
Representative of the United Nations
in Elisabethville, September 2.

The State Department is endeavoring to pursue a policy of conciliation in the Congo. But the U.N. unfortunately is still pursuing the old, discredited policy

of force; and this policy undercuts and subverts our policy of conciliation.

This indeed was the theme of a column by the distinguished commentator, Mr. Arthur Krock, in the New York Times yesterday, October 11. I quote the opening paragraph of this column:

Not until Under Secretary of State McGhee returns from the Congo, and his report on his efforts to unify the factions there is published, can the puzzle created by the timing of a statement issued yesterday by the U.N. Secretariat be fully dispelled. The puzzle is why, while McGhee was still in Léopoldville, after conversations with Moïse Tshombe in Katanga that imbued him with "guarded optimism," Acting U.N. Secretary General Thant decided to resume his war of words with Tshombe and make another show of U.N. armed force at Elisabethville.

I ask unanimous consent, Mr. President, that the full text of this article be incorporated into the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHO THREW A ROCK AT OUR PEACEMAKER? (By Arthur Krock)

WASHINGTON, October 10.—Not until Under Secretary of State McGhee returns from the Congo, and his report on his efforts to unify the factions there is published, can the puzzle created by the timing of a statement issued yesterday by the U.N. Secretariat be fully dispelled. The puzzle is why, while McGhee was still in Léopoldville, after conversations with Moïse Tshombe in Katanga that imbued him with "guarded optimism," Acting U.N. Secretary General Thant decided to resume his war of words with Tshombe and make another show of U.N. armed force at Elisabethville.

In the earlier chapters of the U.N.'s procedure to end Katanga's secession by military force interspersed with a recurrent series of ultimatums, the Kennedy administration, represented by the Departments of State and Defense, was a full partner. This Government supplied the materiel and the air transport without which the troops of the U.N. and the central Congo regime at Léopoldville could not have fought the war in Katanga. And the Department of State was as busy as the U.N. Secretariat in producing official statements designed to picture Tshombe to the world as solely responsible for every obstruction to a peaceful settlement in the Congo.

But, with the dispatch of Under Secretary McGhee, the Department returned to the policy of getting the Congo unified by diplomatic measures in which Tshombe would get solid assurances, previously lacking, that the constitutional compromise plan worked out by the United States, Great Britain and Belgium (though it is "still being drafted by the U.N. authorities at Léopoldville," according to our dispatch today) would be executed in good faith. The Under Secretary was a good choice, because he has a special gift for difficult negotiation.

What happened in the McGhee-Tshombe conversations, except that the Under Secretary is understood to have left Elisabethville for Léopoldville with guarded optimism, is not yet public property. But McGhee was still engaged in his mission when the U.N. issued the new bellicose statements.

It may develop that he previously had reported a failure of his mission to Katanga, and therefore the sponsors of the compromise decided that the only recourse was a public reversion to strong-arm measures.

Certainly that describes the U.N. announcements yesterday. These were that Tshombe is engaged in a major military buildup, com-

plete with fresh drafts of "mercenaries," and that Thant will urge prompt approval by the Security Council of his proposal for the economic boycott of Katanga. And certainly another strong-arm measure was the provocative show of U.N. military force at the Elisabethville post office this week.

MERCENARIES IN THE CONGO

But, if this assumption of the cause of the U.N. actions is not borne out, then U Thant's immediate publication of the report of a major military buildup in Katanga that he received from the U.N. representative in the Congo, and U Thant's announcement of renewed activity for his economic boycott of the Province, were heavy and deliberate handicaps of the Under Secretary's mission while he was still engaged in it. If so, the feuding spirit of U Thant's procedures with Tshombe and his ministers continues as a chief obstruction to peaceful unification of the Congo.

It is also in this spirit that the foreign aids, without whom Tshombe could not possibly obtain the measure of Katangan autonomy he has been promised, are constantly and exclusively identified as "mercenaries" by a U.N. whose foreign aids, military and civilian, in the Congo are on hire, too.

Until McGhee's report of his mission is published, another odd aspect of the U.N. sudden reassessment of belligerency against Tshombe will have to await explanation. In the compromise plan sponsored by the U.N. the United States, the United Kingdom, and Belgium the promise was made that the "National Government" of the Congo, "after consultation with the provincial governments and interested political groups, will present a Federal Constitution to the Parliament in September." Since that is still being drafted, the question is whether more evidence than the military buildup report caused the Acting Secretary General to arraign Tshombe on October 9 for noncompliance with a constitution that doesn't yet exist.

MR. DODD. Mr. President, what worries me most about the present situation is the fact that the bulk of the U.N. Army in Katanga owes its loyalty and obedience not to the Secretary General and the Security Council, but to the Indian Minister of Defense, Krishna Menon—a man who has supported the Soviet Union on every major foreign policy issue, who during World War II openly contributed articles to the official organs of the British Communist Party and of the Communist International, and who, since taking over command of the Indian armed forces, has compelled the retirement of General Thimaya and many others of the most respected Indian military leaders.

Theoretically, the Indian Army forces in the Congo are under the control of the Secretary General. But the officers in command of these forces owe their careers and their future not to U Thant but to Krishna Menon. The significance of this should be crystal clear.

I am convinced that Krishna Menon does not want any settlement in the Congo. I am convinced that Khrushchev and Krishna Menon want to see Tshombe destroyed rather than see the differences between Tshombe and Adoula peacefully composed. And the fact that it is this man who commands the bulk of the U.N. contingent in Katanga is, in my opinion, a reason for the gravest concern.

I believe that if all my colleagues in the Senate and House could find the time to read "Rebels, Mercenaries, and Divi-

dends," by Smith Hempstone, there would be such an outcry of indignation that even the extremists in the United Nations would be compelled to moderate their position.

Because I consider this one of the truly great works of current history published in this decade, I ask unanimous consent to insert in the RECORD at this point several of the most significant excerpts from Mr. Hempstone's book.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM "REBELS, MERCENARIES, AND DIVIDENDS—THE KATANGA STORY," BY SMITH HEMPSTONE

IX. THE DECEMBER WAR

"Let Katangan fighters arise at the given moment in every street, every lane, every road, and every village" (Moïse Tshombe, speaking to the people of Katanga on November 26, 1961).

The ink of the cease-fire agreement was not yet dry when the Central Government made it clear that it was intent on war in Katanga. On September 22, 1961, Adoula stated in Léopoldville that the Central Government would resort "to its own means to put an end to the secession of Katanga." The Congolese Prime Minister wrote to Linner expressing extreme reserve about the agreement concluded between Tshombe and the U.N. Earlier, Adoula had stated that the Congolese troops were "ready to answer force with force in Katanga." Also on September 22, Mobutu broadcast an appeal to the Katanga gendarmery to refuse to obey its white officers.

On the face of it, any invasion of Katanga by Central Government troops would constitute civil war, an event the U.N. officials in the Congo were bound to prevent under the terms of the Security Council's resolution of February 21 "by use of force, if necessary, in the last resort." Yet both Linner and Khiri, again indulging in curious mental and semantic gymnastics, declared that, in their opinion, such a move would be only a police action and hence could not be stopped.

On September 23, the Congolese cabinet unanimously approved the House of Assembly's motion, carried the previous day in secret session, that Katanga should be attacked. Gizenga, now Vice Premier in Adoula's government, was the prime mover in these maneuvers. Central Government troops on the Katangan border were alerted to be ready to attack and reinforcements were flown into Luluabourg, the capital of Kasai. On September 27, Tshombe appealed to Adoula for negotiations "with the shortest delay and on neutral territory," a suggestion Adoula quickly rejected. If Tshombe wanted to talk, said Adoula, he must come to Léopoldville. Since he had spent 2 months in detention after his last visit to territory under Central Government control, Tshombe's unwillingness to come to Léopoldville certainly was understandable.

Meanwhile, relations between Tshombe and the U.N. had not improved. Katanga and the U.N. repeatedly charged each other with violating the cease-fire agreement. O'Brien denied Tshombe's charge that he was flying in reinforcements, but said that the U.N. had flown in additional armored cars 4 hours before the signing of the cease-fire agreement. Bars, cafes, laundries, and breweries in Elisabethville refused to do business with U.N. personnel, either voluntarily or out of fear of reprisals from the CONAKAT Jeunesse. No one had much confidence in the permanence of the cease-fire, and 431 white civilians, mostly women and children, took advantage of the truce to flee from Katanga. Four Ethiopian F-86's, the first of 14 Ethiopian, Swedish, and Indian jets, flew

into Léopoldville. Meanwhile, O'Brien kept up constant pressure on Tshombe to expel his remaining 104 white mercenaries. On October 1, Tshombe formally released these men, although few apparently left the Katangan forces. On October 5, Khiri complained that Katanga had refused to let the four-man cease-fire commission visit the Katangan strongholds of Kipushi, Kolwezi, and Jadotville. Mercenaries and war materials, the Tunisian said, were entering Katanga through Kipushi.

Tshombe would have been a great fool had he not, under the circumstances, been bringing in reinforcements. As Khiri pointed out, neither the Central Government nor the U.N. in Central Government territory were bound by the cease-fire agreement. As the Tunisian put it, the Central Government was free to "arm itself to the teeth" for action against Katanga but Tshombe, under the terms of the cease-fire, had no right to reinforce his troops to defend Katanga against such attacks. By the same token, while it could not bring jets into Katanga, the U.N. could bring them to Luluabourg, 30 minutes' flying time away. Yet it was clear that the jets were for future use against Katanga.

On October 20, 5,000 Central Government troops (including 4,000 former Force Publique mutineers who had served in Katanga) crossed from Kasai into Katanga and were engaged by Katangan gendarmes. Adoula stated that the troops were carrying out a police action against outlaws and added that the operation was part of a plan to end Katanga's secession. Norman Ho, a U.N. spokesman in Léopoldville, stated the same day that Katangan planes had made air strikes in the area of the Kasai-Katanga border. The raids, he said, were "a serious breach of the cease-fire in Katanga" and six U.N.-Swedish jets in the future would give aircover to Mobutu's troops. Ho had nothing to say about the civil war nature of the Congolese offensive.

The Congolese troops, however, did not act much like liberators. They put villages to the torch, slaughtered women and children, and sent an estimated 10,000 families fleeing to the south. On November 1, another 1,500 Gizengist troops under the command of General Lundula were flown into Kivu, presumably in U.N. aircraft, to attack Katanga from that direction.

Mobutu announced on November 2, that he had ordered the offensive and that his troops had captured 72 villages within a 30-mile belt inside Katanga. But Kimba (Tshombe at the time was in Geneva for medical treatment) denied Mobutu's claim of victory and said Katangan troops had thrown back the Congolese at both Kaniama on the Kasai front and at Kongolo on the Kivu front.

The following day, Linner, in a report to the Security Council, made the remarkable statement that the activities of the Katangan Air Force "represent offensive civil war action" prohibited under the resolution of February 21. He thus conveniently ignored the stipulation in the cease-fire agreement between the U.N. and Katanga which allowed the gendarmerie to reply to an attack from beyond Katanga's frontiers. Khiri with a straight face then stated that the Congo was not considered as "beyond Katanga's frontiers." Perhaps he thought Katanga feared an invasion from Angola or Rhodesia.

It soon became clear that Kimba was closer to the truth as regards the military situation than Mobutu. On November 5, Léopoldville admitted that Katangan gendarmes had defeated and inflicted heavy losses on the Congolese troops north of Kaniama, taking many prisoners and much equipment. Tshombe, speaking in Geneva, once more stated his willingness to negotiate a settlement with Adoula. Said he: "We want to come to an agreement with

our brothers in the Congo but there must be no coercion or repression. We will defend ourselves when attacked."

But if Mobutu's troops could not fight very well, they had other talents that were revealed only on November 6, when 10 white refugees reached Brussels from Luluabourg. It was revealed then that, enraged at their defeat, Congolese soldiers had arrested 400 whites, raped 15 women including some nuns, and beaten up 18 missionaries. Linner and Ho, so quick off the mark with information about the Katangan air attacks on Congolese troops, were surprisingly slow in hearing about this sort of thing or about announcing it to the world. About the only creditable aspect of the whole nasty incident was the fact that Mobutu had the courage to arrest 123 of the soldiers involved and to send them back to Léopoldville. The fact remains that the U.N. was directly responsible for what happened at Luluabourg because it encouraged the Léopoldville government to move against Katanga. This was to be far from the last time that innocent men and women were to pay a bitter price for the U.N.'s actions.

Things were not going so well on the Kivu front either for Tshombe or for anyone genuinely interested in the maintenance of law and order. The Katangan gendarmes pulled out of Albertville on the approach of a large body of Baluba warriors backed up by Gizengist troops who quickly captured the lightly held towns of Kabalo, Nyunzu, Manono, and Nyemba. Only in Kongolo did 1,600 gendarmes stand firm.

The Congolese troops immediately distinguished themselves in their usual fashion. At Kindu (in Kivu Province) they seized and brutally beat 13 Italian U.N. airmen. The Italians had flown some Malayan Ferret armored cars into Kindu. Drunken Congolese soldiers accused them of being Belgian mercenaries, beat them, shot them all, and then dismembered their bodies. According to witnesses, parts of the bodies were thrown into the Congo River. Others were sold in the marketplace and a human hand was presented to a World Health Organization doctor by a giggling Congolese soldier. Colonel Alphonse Pakassa, the commanding officer of the Gizengist unit, who refused either to withdraw his troops from the airport or to punish the murderers, when questioned by General Lundula on the subject of the massacre, came up with the quote of the week: "You know how soldiers are." Linner, however, managed to top this one by stating later that it was "inopportune" to disarm the Congolese troops at Kindu. These same troops were later to slay 22 Belgian priests at Kongolo. One began to wonder just how many men and women were going to have to die because of the criminal stupidity of U.N. officials and the political bias of some member states of the United Nations. It was, or should have been, clear from the beginning that the Congolese invasion of Katanga amounted to civil war. It was, or should have been, clear from the beginning that the U.N., by allowing half-savage Congolese troops to enter Katanga, was signing the death warrants of hundreds of innocent civilians, black and white. Yet the U.N. preferred to carp about Tshombe's violations of the cease-fire agreement. Certainly he violated the cease-fire by reinforcing his troops and bringing in military supplies. And more civilians, white and African alike, would be dead today if he had not done so.

In Albertville, the activities of the Congolese troops were slightly less dramatic. Demonstrating admirable restraint, they restricted themselves to looting white homes, stealing cars, and arresting whites and Africans identified by Balubakat Jeunesse as pro-Tshombe. All but about 30 of Albertville's 1,200 whites fled across the lake to Tanganyika, as drug-crazed Balubas emptied

the prison. In Léopoldville, U.N. Spokesman George Ivan Smith primly described "the behavior" of the Congolese troops as "impossible."

Meanwhile, Tshombe reiterated his recognition of Kasavubu as the head of a confederal Congo and repeated that he was "always ready" to negotiate with Adoula. He asked only that the U.N. should end its "subversive" acts in Albertville and that the Central Government should halt hostilities in northern Katanga. But neither Léopoldville nor the U.N., despite the tragedies of Luluabourg, Kindu, and Albertville, were in a mood for negotiations. Adoula declined the offer and demanded Katanga's unconditional reintegration into the Congo.

The Security Council met on November 13, in an air of mixed anger, frustration, and quiet desperation. Tshombe's white soldiers, military successes, wealth, and defiance had raised the antagonism of the Afro-Asian bloc to an almost hysterical pitch. The United States and the Western Powers were anxious that the U.N. should not fall in Katanga. On the other hand, it was clear that they had nothing really positive to suggest.

Bomboko, speaking for the Léopoldville Government, made three main points: Léopoldville expected the U.N. to give it "direct assistance" in maintaining law and order; it wanted all of Tshombe's white mercenaries turned over to it for punishment for their "dastardly crimes against the Congo" (in November, the Belgian Government withdrew the passports of its nationals still serving in the Katangan forces); and it wanted a new and clear U.N. mandate on the Congo.

What Bomboko was asking for, obviously, was a new U.N. military offensive against Katanga to replace that of the Central Government which had ended in defeat. In view of the happenings at Kindu, turning over the mercenaries to Léopoldville would have been the equivalent of murdering them in cold blood.

The one draft resolution before the Security Council contained no more wisdom and balance. Sponsored by Ceylon, Liberia, and the U.A.R. (the Security Council's three Afro-Asian members) it authorized U Thant, the new Acting Secretary General, to take vigorous action, including the use of the requisite measure of force, if necessary, for the immediate apprehension, detention pending legal action and/or deportation of all foreign mercenaries and hostile elements.

The resolution strongly deprecated the secessionist activities illegally carried out by the provincial administration of Katanga. The three powers also attacked the Katangan regime for resisting the U.N.'s attempt to topple it by force.

That such a resolution, a clear violation of the U.N.'s charter forbidding interference in the internal affairs of a member nation, should even be debated seriously must some day be recalled with astonishment, regret, and perhaps amusement. The "hostile elements" phrase could in fact quite easily be interpreted to mean that the U.N. had the right to deport any Katangan not in agreement with it, including Tshombe, his entire government, his 11,600 gendarmes, and every member of CONAKAT.

But not only was the resolution debated, it was accepted virtually as written. The U.S. State Department, perhaps becoming vaguely aware of the nature of the monster it had helped to create, made a feeble attempt to expand the resolution to cover Gizengist activity as well as that of Katanga. U.S. Delegate Adlai Stevenson also proposed that negotiations should be urged upon the Katangan and Congolese Governments and that the Congolese Army should be reorganized, retrained, and equipped with a small air force. These amendments Soviet Delegate Valerian Zorin promptly vetoed. He let pass a Stevenson amendment rejecting

Katanga's independence. Unlike Britain and France, the United States lacked the moral courage even to abstain from the resolution, much less to veto it. It passed by a vote of 9 to 0 and the U.N. found itself in a virtual military alliance with the Congolese Government, with U Thant holding *carte blanche* to end Katanga's secession in any way he saw fit.

The Security Council resolution of November 24 amounted to an obvious declaration of war against Katanga. Tshombe was quick to realize this.

Addressing 8,000 cheering Africans in Elisabethville on November 26, Tshombe told them that the U.N. would soon "undertake war on our territory." Said the Katangan President:

"Tomorrow or the day after, there will be a trial of strength. Let us prepare for it. Let Katangan fighters arise at the given moment in every street, every lane, every road, and every village. I will give you the signal at the opportune time. You will not be able to have guns and automatic weapons but we still have our poisoned arrows, our spears, our axes."

Meanwhile, U Thant had conferred with his 18-nation Congo Advisory Commission composed of delegates from Malaya, India, Pakistan, Senegal, Canada, Ethiopia, Ireland, Liberia, Sweden, Nigeria, Ghana, Guinea, Indonesia, Morocco, Sudan, Mali, Tunisia, and the U.A.R., all nations that had, or had had, military units in the Congo (the last 8 had withdrawn their troops). The Acting Secretary General appealed to them for more troops and transport. The U.N.'s military strength in the Congo at the time amounted to 15,418 men, a force clearly inadequate to both crush Tshombe and maintain order in the remainder of the country. About two-thirds of the U.N.'s troops were deployed in Katanga. I cabled to my paper in late November that the "military subjugation of Katanga which is, after all, larger than Portugal, cannot be undertaken with any prospect of success unless a minimum of 25,000 troops are placed at the disposal of the United Nations." To undertake Tshombe's overthrow with fewer troops would be doubly criminal since it clearly could not succeed and hence the lives lost on both sides would be wasted. But the U.N. was intent on war. U Thant's only concession to Tshombe and the West was to replace O'Brien (already recalled to New York "for consultations") with Brian Urquhart, a Briton, as special representative in Elisabethville.

Katanga's fortunes unquestionably had suffered at the U.N. through the publication on the eve of the Security Council meeting—the timing can hardly be considered coincidental—of the commission of inquiry's findings concerning Lumumba's death. At this critical moment, a second event occurred that was to blacken Tshombe in the eyes of many of those otherwise not ill-disposed toward him.

U.S. Senator THOMAS J. DODD, of Connecticut, a man sharply critical of the State Department's position regarding Katanga, was visiting Elisabethville. On November 28, a private dinner party to which U.N. officials and members of the consular corps were invited was given for Senator Dodd at a private home in Elisabethville. Katangan paracommandos guarding the nearby home of gendarmery Commander General Norbert Moke became suspicious at the number of cars arriving at the villa. A car bearing U.N. plates arrived. In the car was Urquhart with his assistant, 46-year-old Australian-born George Ivan Smith. When the paracommandos recognized the pair, they chased them into the house, dragged them out into the street, beat them up, and threw them into a truck. A Belgian employee of the Banque du Congo tried to intervene on their behalf and was himself beaten and thrown into the truck. At this moment, Senator

and Mrs. Dodd, accompanied by the U.S. consul in Elisabethville, Lewis Hoffacker, and preceded by a motorcycle escort of Katangan gendarmes, arrived on the scene. Hoffacker, sizing up the situation at a glance, jumped from the car and, with the assistance of the escort, dragged Smith and the Belgian from the truck and drove immediately to Tshombe's residence. Urquhart, meanwhile, was driven away to the Katangan army camp by the half-crazed paracommandos. Three hours later, Urquhart was released on the personal intervention of Tshombe, Munongo, and Kimba. He had suffered cracked ribs and a broken nose from his beating. A Gurkha driver and a Sikh major were killed while searching for Urquhart. Tshombe later "abjectly apologized" for the incident.

It is necessary to pause for a minute to give credit to Lew Hoffacker. Hoffacker is everything that a State Department official should be and seldom is: intelligent, courteous, resourceful, courageous, unpretentious, and well-informed. In the days to come (he was a newcomer to Katanga) we were to see a great deal of each other. During the fighting that followed, he always made it his business to get about (at some danger to himself), to find out what was going on, and to do everything he could to ease tension. Had we more men like him in Africa (and in the higher echelons of the State Department), it is unlikely that the United States would have made the major errors it did make in Katanga.

It is difficult to evaluate the effect that the brutal and stupid beating of Urquhart and Smith had on the U.N.'s actions. It would be silly to imply that the U.N. later waged war against Tshombe because of the incident. U Thant already had his mandate and his plans were laid. But the incident did go a long way toward exacerbating relations in Elisabethville between the Katangan Government and the U.N., and it did provide Tshombe's foes with a potent propaganda weapon. Urquhart's broken nose seemed to wipe out the memory of the 13 Italians slaughtered at Kindu by the Congolese troops.

The situation in the north had not improved. A force of about 3,000 Congolese troops, including the Kindu murderers, was pressing south against Kongolo while Baluba warriors edged in from the east and west. Cotanga, the textile company that operates in Kongolo, ordered the evacuation by air of its employees. Sendwe arrived in Albertville to set up a Baluba government. Kongolo's 1,500-man gendarme garrison, running short of ammunition, dispatched a request for arms and munitions to Elisabethville. But the U.N. refused to let a Katangan plane fly the war materials into the beleaguered town. Under the circumstances, Tshombe had no alternative but to order Kongolo's evacuation. One month later, 22 Belgian priests were murdered by the same troops whom Linner had found it "inopportune" to disarm after the Kindu massacre. And so there were 22 more murders on the head of the U.N.

Meanwhile, Tshombe had not given up hope of a negotiated settlement with Léopoldville. On November 29, he dispatched a message through Welensky, suggesting the appointment of a distinguished statesman from an uncommitted independent African country to act as mediator between Katanga and the Central Congolese Government. The following day, Tshombe flew to Brazzaville, across the river from Léopoldville, in the hope that he might personally be able to arrange a meeting with Adoula on neutral territory. His overture was rejected. The Katangan President then flew on to Paris.

But the die was already cast and the U.N.'s own propaganda drums were beating. On December 1, a report from Linner was published in New York which alleged that Tshombe's regime was "approaching the

point where it cannot control the forces it has unleashed, and where it cannot change the direction of its policy away from violence and toward peaceful collaboration with the U.N."

"Unless the regime alters its course immediately," Linner continued, "neither Mr. Tshombe nor his associates may be able to control its direction, and elements of their military forces and of the civil population may initiate further hostilities against the United Nations."

The report, capitalizing on the Urquhart-Smith incident, was a clear attempt to develop the thesis that no peaceful solution was possible in Katanga. Tshombe, as he was to show within a fortnight, was in full control of both his army and his people. He was quite capable of changing his policy to one of "peaceful collaboration" with the U.N., had there been any point in so doing. But to expect Tshombe to quietly lie down and lick the U.N.'s boots while it was openly preparing for war against him was expecting rather much. Over the last 10 months, the U.N. had done everything possible, including resorting to arms and unleashing the Central Congolese troops, to overthrow Tshombe's regime and subjugate Katanga to Léopoldville. Under the circumstances, collaboration with the U.N. was out of the question. Tshombe's reply to Linner was more realistic than the Swede's charge:

"When I put my people on guard against the danger the U.N. represents for Katanga, I am said to be conducting a campaign of incitement. If I understand things correctly, Katanga is not only being forced to let itself be strangled but must also permit this to happen in silence."

On December 2, while Tshombe was in Brazzaville, the situation in Elisabethville deteriorated sharply. It is difficult to apportion the blame but each side seems to have been at fault. The initial incident took place at Elisabethville Airport when Indian troops arrested and disarmed 32 Katangan gendarmes who allegedly had drunkenly molested an African woman. Within hours, other gendarmes had set up roadblocks, arrested 11 United Nations personnel, fired on a U.N. aircraft, killed 1 Swedish soldier and wounded 2 others when they tried to force their way through a roadblock. The U.N. moved all its civilian personnel within its Elisabethville defense perimeter as U Thant directed Linner and Smith "to act vigorously to reestablish law and order and protect life and property in Katanga." Smith tersely ordered Kimba to have the roadblocks removed or face the consequences.

On December 4, Smith announced that Kimba had threatened to shoot down U.N. aircraft flying over Katanga and added that he regarded this as "a very grave statement." Kimba denied this, asserting that his statement applied only to unannounced and unscheduled aircraft. Kimba added that he had agreed that U.N. personnel should have freedom of movement in Elisabethville when engaged in their normal duties. But the Katangan roadblock across the highway leading from the city to the airport 10 miles away remained in position, although Kimba agreed (Smith said) to remove it.

Speaking in Paris, where he allegedly had gone to see his 17-year-old son before continuing to a Moral Rearmament Conference in Brazil, Tshombe sounded a grave note:

"If the United Nations forces undertake fresh armed intervention in violation of the cease-fire," he said, "the Secretary General will bear heavy responsibility for the hostilities. This time I give a solemn warning to the United Nations and its executives: Any new conflict would today be a major one, because since September 13, and since the attack of the Congolese National Army, the people of Katanga have realized that they are a free nation, determined to preserve their liberty."

Those of us stationed in other parts of Africa packed our bags and bought our airplane tickets to Ndola (Northern Rhodesia), the jump-off point for Elisabethville.

We had not long to wait. On December 5, Urquhart (who was U.N. Special Adviser in Katanga; Smith's title was U.N. Chief Representative) charged that "in a final act of bad faith," Katangan gendarmes were infiltrating through the bush toward the airport. Within a matter of minutes, Gurkha troops had assaulted the main roadblock on the airport road, held by a company of paracommandos led by three white officers and supported by three armored cars and some 60-millimeter mortars. When the smoke cleared, 38 gendarmes lay dead. The Indians had suffered one dead and four wounded. It was war. And this time there was nothing phony about it.

With Tshombe away in Paris (was it coincidence that the fighting began then or did the U.N. command believe that its chances of success would be improved by Tshombe's absence?), Munongo took charge. Said he, replying to false press reports that the Katangan Government had fled:

"We are all here, resolved to fight and die if necessary. The United Nations may take our cities. There will remain our villages and the bush. All the tribal chiefs are alerted. We are savages; we are Negroes. So be it. We shall fight like savages with our arrows."

The first fighting centered in the air and along the road connecting U.N. headquarters with Elisabethville Airport. The U.N. air force of 15 jets (6 Swedish Saabs, 5 Indian Canberras, and 4 Ethiopian Sabres) took off from Luluabourg and swept south over Katanga. The jets attacked bridges, cannoned the railway between Jadotville and Elisabethville, strafed trucks, and, by destroying four Katangan planes on the ground at Kolwezi, quickly established U.N. air superiority in the skies over Katanga. If this did not insure the U.N. of victory, it at least made its defeat impossible, since control of the skies meant that it could move and reinforce its troops at will, while Tshombe could not.

At the northwestern end of the highway linking U.N. headquarters and the airport, 29 Seventh-day Adventist missionaries (including 19 women and children), most of them Americans, found themselves pinned down by gunfire in their mission buildings, which lay between the opposing lines. They managed to flee to safety only after Seventh-day Adventist World Secretary-General Chester Torrey, an American, had been wounded. There was heavy fighting at the old airport (proposed site of Elisabethville University), near the traffic circle where the initial clash had taken place. Elsewhere, firing was sporadic but indiscriminate enough for Georges Olivet, Swiss International Red Cross representative in Elisabethville, to cable an appeal to his Geneva office to call on the U.N. to stop firing on Red Cross vehicles. Meanwhile, in New York, U Thant authorized George Ivan Smith to take counteraction on the ground and in the air against the Katangan gendarmes.

Having smashed the threat of the Katangan Air Force, Brigadier K. A. S. Raja began to build up his forces to sufficient strength to enable him to take the offensive. Washington put U.S. Air Force Globemasters at the U.N.'s disposal (one was damaged by Katangan ground fire as it came in for a landing at Elisabethville) and these giant planes (a total of 27 U.S. aircraft was employed) began bringing in troops, artillery, and armored cars. This resulted in the Katangan authorities placing Lewis Hoffacker under house arrest. Anti-American feeling spread throughout the city. Meanwhile, heavy fighting broke out around the railway underpass connecting the industrial section with the center of the city. Swedish troops, who initially had occupied the underpass,

were forced out again after an attack by an all-white Katangan unit.

Tshombe quickly returned by air from Paris to Ndola, stopping at Brazzaville for a hasty conference with his ally, President Fulbert Youlou. From Ndola, escorted by a small body of gendarmes and accompanied by Joseph Lambroschini, the French Consul in Elisabethville, he drove by car to his embattled capital. In the north, heavy fighting between gendarmes and U.N. troops broke out at the tin-mining center of Manono.

As the U.N. jets stepped up their air attacks on December 7, and U.N. armored cars hammered gendarmes dug in on the fringes of Elisabethville's northern residential sector, the Rhodesian Railways dispatched a 10-car mercy train to Elisabethville to evacuate white women and children.

The situation was becoming increasingly unpleasant. Fifty U.N. mortar shells rained down on the Prince Leopold Hospital one night as African patients crawled screaming into the corridors. A terrified African woman about to give birth jumped from the operating table and disappeared into the night. The U.N. at first denied mortaring the hospital but later admitted it, stating that the hospital adjoined Camp Massart, the gendarme headquarters. It was, in fact, more than 800 yards from Camp Massart. This was the first of many incidents that led one to believe that the U.N. had both unskilled gunners and less than candid spokesmen.

On the same day, Union Minière described as unfounded and entirely untrue accusations by U Thant that the company had built armored cars and bombs for the Katangan gendarmerie and shielded mercenaries with cover jobs. Union Minière suggested that the U.N. was making these accusations to justify attacking Union Minière's installations, an eventually that came to pass a few days later.

The U.N. jets next turned their attention to the center of the city. Screaming in at treetop level while excited gendarmes and white civilians popped away at them with anything from .22 pistols to submachine guns, they blasted the post office and the radio station, severing Katanga's communications with the outside world. It is difficult to see how this had any connection with insuring the safety of the U.N.'s lines of communications and the security of its personnel, the avowed purposes of the U.N. attack. One came to the conclusion that the U.N.'s action was intended to make it more difficult for correspondents to let the world know what was going on in Katanga, since the only way press dispatches could be filed was to drive them 150 miles to Northern Rhodesia over a road studded with tribal roadblocks and subject to U.N. air attack. This did not always work to the U.N.'s advantage, however, since the U.N. command in Elisabethville had direct communications with Léopoldville and New York; there was at least one occasion when it denied atrocity charges before these had appeared in the press. Meanwhile, the U.S. airlift of troops and war materials into Elisabethville continued.

On December 10, General McKeown, speaking in Léopoldville, asserted that if the U.N. had fired on cars with Red Cross markings, it was because these vehicles were carrying mercenaries (nobody thought to ask McKeown if a white civilian doctor serving with the Katangan forces was considered a mercenary by the U.N.). The General stated that the Red Cross had only 10 vehicles in Elisabethville but 50 had been spotted with Red Cross markings. There is a possibility that mercenaries did use cars marked with red crosses for reconnaissance. It is also true, however, that many civilians placed their cars at the disposal of the Katangan Government for use as ambulances, which

explains the presence of more Red Cross vehicles than those officially registered.

U.N. air attacks continued with strikes against Union Minière's Kolwezi fuel dump which set 750,000 gallons of diesel oil afire. Two hundred youths of the Conakat Jeunesse stoned and partially looted the American Consulate in protest against the U.S. airlift. The Association of Enterprises of Katanga (chamber of commerce), a grouping of 80 companies giving work to 60,000 Katangans and supporting 240,000 others, filed a protest to "the civilized countries of the world" against "the systematic and willful destruction of the economic potential of Katanga." Late on the 10th, the first refugees train bringing 360 white women and children to safety reached Northern Rhodesia.

On December 11, Youlou cabled Kennedy beseeching him "in the name of peace and humanity, to intervene in Katanga to arrange a cease-fire." On the following day, U Thant denied that the purpose of the U.N.'s Elisabethville operation was "to force a political solution of the Katanga problem by smashing the military strength of the present political leadership, and also the political leadership itself." He said that the goal was to "regain and assure our freedom of movement, to restore law and order, and to insure that for the future U.N. forces and officials in Katanga are not subjected to attacks."

One of the worst atrocities of the war occurred on December 12. Indian-piloted Canberra jets, safe in the knowledge that the daylight skies were theirs (the Katangan Air Force's few remaining propeller-driven light planes were able to make night attacks only), roared in over Shinkolobwe and shot up the former uranium mine's hospital, leaving two children and two men dead. Four pregnant women were wounded, as were 44 other Africans. The hospital was clearly marked with a huge red cross on its roof and was more than 1,500 yards from the nearest building. The previous day, while U Thant was still talking, U.N. jets had attacked the Le Marinel hospital, without, however, causing any casualties. Shinkolobwe was known to be an important Katangan military base. Putting the best possible interpretation on this tragic incident, one can only surmise that the Indian pilots did not see the red cross on the roof and thought they were attacking a military camp. However, far too many hospitals, churches, and other civilian installations were hit by U.N. air and ground fire to accept this as plausible. Even granting that, as the U.N. charged, Katangan gendarmes often fired from the shadows of churches or hospitals, the U.N. record in this respect left much to be desired. By December 12, the end of the first 8 days of fighting, Katangan losses amounted to about 100 killed and 179 wounded (75 gendarmes and the rest civilians of both races). An estimated 1,500 whites were homeless. The U.N. set its own losses at 10 dead, 34 wounded, and 13 missing.

Later in the day, U.N. jets attacked the Jadotville railway, strafed the Mulungwish post office, cannoned an ore train in Kolwezi railway station, damaged a processing factory at Lulu, knocked out an electric generator at Luena, and destroyed a locomotive north of Elisabethville. It is not clear what bearing these attacks had on the re-establishment of the U.N.'s communications or the safeguarding of its personnel. The whole operation was beginning to look very much like an old-fashioned imperialistic punitive expedition. All that was missing was the gunboat.

By December 12, Raja had nearly 6,000 troops at his disposal to attack 3,000 Katangan gendarmes reinforced by 250 (at the very most—some estimates ran as low as 50) white mercenaries and perhaps 100 local white volunteers. Mortar shells hailed

down on the center of the city as the softening-up process began. Again, the gunnery was either disgracefully amateur or totally indiscriminate. Among the military objectives hit: a beauty shop, the apartment of the French Consul, Sabena Airways office, the Roman Catholic cathedral, Elisabethville's museum. A car pulled up in front of the Grand Hotel Leopold II, where all of us were staying. "Look at the work of the American criminals," sobbed the Belgian driver. "Take a picture and send it to Kennedy." In the backseat, his eyes glazed with shock, sat a wounded African man cradling in his arms the body of his 10-year-old son. The child's face and belly had been smashed to jelly by mortar fragments. The war—and life—were over for him. His mother, also wounded, sat wordlessly beside her husband.

On the same day that this child died, Britain, France, Greece, the Malagasy Republic, and the former French Congo were all pressing for a cease-fire. But U Thant did not want one, the 18-nation Congo Advisory Committee did not want one, the United States did not want one. Or rather they did not want one until Tshombe had been taught a lesson and was prepared to accept conqueror's terms from Adoula.

There was never much doubt about the U.N.'s ability to storm Elisabethville. It had absolute control of the air, numerical superiority in men, and better equipment (the U.N. had Ferret armored cars, heavy mortars and 108-millimeter guns; the biggest gun the Katangans had was 75-millimeter and they were equipped only with light mortars). The only real questions were how much human misery the U.N. was going to inflict before capturing the city and whether, once its troops jumped off, they would complete their offensive quickly enough to prevent large-scale looting by the city's African civilian population.

The attack on the city continued as U.N. jets blasted the Lido Hotel near the zoo in the northwestern part of the city, traversed the city with mortar barrages, set aflame a large fuel dump, and captured the tallest building in the city, the so-called "new hospital," which contained no medical equipment, patients, or medical personnel and was being used by the Katangans as an observation post. The U.N. was far from being alone in being less than candid about the conduct of the war.

The propaganda battle continued as Union Minière asserted that "it is evident that the objective pursued by the U.N. troops is the complete destruction of the economic potential of Katanga, a policy aggravated by total disregard for human life." U Thant countered this by publishing the names of 200 mercenaries serving in Katanga, although this would seem to have little to do with the moral right of the international organization to kill innocent Africans (Belgian Foreign Minister Paul-Henri Spaak later revealed that of these 200, 1 was dead, 5 were not Belgians and 48 had not been in the Katangan service for "several months"). In Elisabethville, George Ivan Smith flatly denied that the U.N. had hit any industrial installations. This was obviously untrue. He could have read his statement by the flickering light of the burning railway fuel dump.

On December 13, the U.S. Globemaster flew a battalion of 700 Ethiopian troops and large quantities of war material into Elisabethville. U.N. jets destroyed a small Katangan transport plane on the ground at Ngule, 125 miles from Elisabethville, and knocked out two armored cars. In Elisabethville, U.N. ground forces lobbed more than 200 mortar shells into the center of the city, blowing up two fuel dumps, jets blasted gendarmes dug in at the Lido Hotel near the American Consulate and hit targets of opportunity in the center of the city. The Katangan Government announced

late in the day that Olivet, the Red Cross representative, had disappeared while on a mercy mission to U.N. headquarters to arrange for the evacuation of civilians from the part of the city subjected to the heaviest fire. Ten days later, Olivet's wrecked ambulance was found in the combat area. The vehicle apparently had been hit by a U.N. bazooka. A shallow grave nearby contained Olivet's body, that of a Dutch Red Cross representative, and that of a Belgian woman ambulance driver.

Tshombe, meanwhile, had appealed to Pope John and to President Kennedy ("as a free man and a Christian") to arrange a cease fire. To his people he said: "Whatever happens, all Katangans, black and white, will fight to defend their country. Resistance will be total and not 1 inch of ground will be yielded without a fierce fight to the last man, to the last drop of blood." While Tshombe was awaiting a reply from the American President, the U.N. long-awaited offensive got underway. On the 14th, the air and mortar attacks were intensified. Gendarmes with quart bottles of beer strapped into the baggy pockets of their combat fatigues fired back at the planes from the streets and hurried forward to reinforce the Katangan positions. Later the same day, Tshombe repeated his willingness to negotiate with Adoula anywhere on neutral ground. He suggested the Malagasy Republic as a suitable site for such a meeting, or some other point in former French Africa and called on his African brothers to assist in arranging such a meeting. Tshombe also directed a public appeal to "the free and civilized world to end this barbarous and useless carnage." In an obvious reference to the United States, Tshombe charged that "a great power that itself prizes liberty" was encouraging and financing the United Nations intervention in Katanga. On December 15, there was heavy fighting around the railway underpass and the mortar barrage continued to rain down on the center of the city. At 10:30 that night, fresh Ethiopian troops waded across Kiboko ("Whip") Creek and attacked in strength Katangan troops entrenched on the golf course to the northwest of the city, in an attempt to slash Elisabethville's communications with Kipushi on the Rhodesian border. To the east, Swedish and Irish troops moved up to the railway line and began their assault on Camp Massart, which guarded the other route to Rhodesia. In the north, Gurkha troops supported by armored cars blasted their way to within five blocks of the heart of the city. G. C. Senn, the International Red Cross replacement for Olivet, accused Swedish troops of firing on two of his ambulances.

Everybody had been expecting a frontal assault from the north, if only because the U.N. fire had been concentrated there and it obviously had the strength to storm the center of the city. Raja's pincer attack would have been a brilliant move, had he made it in sufficient strength to seal off the city quickly. Had he done this, he would have seized Tshombe and Munongo, captured most of the mercenaries, and destroyed or captured half the gendarmerie in the city. This would have ended Katanga's secession forever.

As it was, the Swedes and the Irish moved so cautiously and so unskillfully that their intention soon became obvious. The Ethiopians, although they attacked with great courage, found themselves opposed by gendarmes and white volunteers possessed of an equal bravery and tenacity. Three times the white-led gendarmes counterattacked and threw the Ethiopians off the golf course. Eventually, the U.N. seized the course. But it had taken them 8 hours to do so. By then, Tshombe and his government had withdrawn to Kipushi on the Rhodesian border behind a shield of mercenaries and gen-

darmes. Most of the gendarmes had been withdrawn from the center of the city and were busy digging in to protect the road junction to the south of the city. There was still a gap several thousand yards wide through which General Moke (or Major René Faulques, if you prefer—this thin, ascetic Frenchman, winner of the Legion of Honor and veteran of Indochina and Algeria, was the mercenary who commanded and was responsible for most of the gendarmerie's staff work) could evacuate his somewhat battered and depressed by largely intact army.

During those last days of the fighting, the atmosphere in Elisabethville had a dreamlike quality of unreality. The streets were filled with rubble and lined with blasted palm trees and shattered cars, their tires flat and their windows broken. Four trainloads of white women and children—about 1,100 people all together—had been evacuated to northern Rhodesia. Perhaps another 100 had made the risky road trip to safety. This left Elisabethville, which before independence had had a white population of 14,000, with about 3,000 white males and perhaps 1,000 women. Many of these—nearly a quarter—had been driven from their homes by the fighting. Perhaps 200 were huddled in the Grand Hotel Leopold II, sleeping 8 to a room and on mattresses in the lobby and in the corridors. During the fighting, the Leo Deux had been fairly gay. There was whisky but no beer or soda. The restaurant always managed to produce something in the way of food. This and Michel's were the only places in town where you could get anything to eat. At the latter it was still possible to munch a chateau-briand bernaie and enjoy a modest bottle of beaujolais by candlelight, while machineguns chattered in the darkened streets and mortar shells whistled overhead. Both places were hangouts for gendarmes and Les Affreux ("the Terrible Ones"), the mercenaries, who ate in their camouflaged battle-dress with their floppy jungle hats on their heads and their rifles slung over their shoulders. We got to know some of the mercenaries pretty well.

All of us will remember Luigi, who in many ways was a typical mercenary. Luigi, despite his nickname (many mercenaries, for obvious reasons, preferred to use a nom de guerre), was a Pole. Like most Poles, he was a Catholic. Like almost every Pole outside Warsaw's orbit, he nurtured an abiding hatred of communism which, as is natural, he associated with Russia, his country's ancient foe and present conqueror. The Poles, because of their geographical position on the eastern marches of Western European civilization, have had to develop certain martial qualities. They've had to fight to preserve their national identity since the days when Genghis Khan swept over the treeless steppes from Central Asia. When they haven't had a nation of their own to fight for (and this has been the rule rather than the exception down through history), they've been perfectly willing to fight for other people, as long as the cause seemed just. Kosciuszko, for instance, served as a "mercenary" in another separatist movement—that of the Thirteen American Colonies. Luigi had been a part of this great martial tradition. He'd fought with the Polish Legion against the Italians and Germans in the Western Desert and at Monte Cassino. When he was wounded in Italy, nobody thought to call him a "mercenary." Then he was a patriot, as were those American "mercenaries" who served in the RAF before America entered the war against fascism. After the war, Luigi, deprived of a homeland, wandered around from continent to continent performing, like most men, a series of not very interesting jobs that furnished him with food for his belly but gave him little satisfaction. His most recent job had been as chef to a high British official in a nearby African territory. Then Luigi's wife ran off with a man he described

as "a glamorous person." Luigi, always restless, decided he would become "a glamorous person." At the time Katanga was under attack from anti-Western Congolese elements and troops from a bunch of nations which, Luigi noted, had done nothing to help Poland when it was assaulted simultaneously by Russia and Nazi Germany.

The pay was good (when it came—the mercenaries were often unpaid for as long as 3 months at a time), and Luigi settled for a captain's commission. However, to describe him as a mercenary is to ignore Luigi's religious faith, his political convictions, his character, Poland's national history, and his people's "soldier of fortune" tradition. Luigi was a mercenary only in the sense that he was paid for his services, as was every U.N. soldier in Katanga. But was Luigi, after all, more a mercenary than the Swedish soldier who had no real interest in Katanga, religious or otherwise, yet who received double pay for fighting the local inhabitants of the region? And what of the Gurkhas of the Indian Army in Katanga? Nepal had no U.N. contingent in Katanga, yet these were Nepalese. The Gurkhas, mercenaries in the purest sense, had served first imperial Britain and now republican India with equal impartiality, ferocity, and skill. Finally, since the most vicious assaults on the motives and characters of the whites serving Katanga comes from the left, let us ask this question: Whatever one may think of their politics, were those Americans who served in the International Brigade during the Spanish Civil War "mercenaries?" Of course they were not, and to suggest that they were is to dishonor the dead. The same holds true for the majority of the whites who fought for Katanga. Some were nothing more or less than paid killers. Many others were emotional cripples of one sort or another. But the majority of them fought for a variety of reasons, only one of which was money.

Luigi was always a jaunty figure around the Leo Deux or Michel's in his camouflaged battle-dress festooned Ridgway-style with hand grenades, Bren gun slung over his shoulder, a red silk scarf at his throat, and a helmet on his head. He was very Polish in appearance, short and barrel chested with sandy hair, high cheekbones, and gray eyes that glittered with splinters of light when he laughed. He laughed a lot. Sometimes it would be an old joke from the last war, or something about the railway underpass (which he commanded)—how his mixed force of whites and Katangans had thrown back an Irish attack or how he'd taken a pratfall when surprised by an exploding mortar shell. He was only solemn when the talk drifted around to Poland, the native land he knew he'd never see again.

The U.N. badly wanted Luigi's tunnel because it provided direct and covered entry into the center of the city for their Ferret armored cars. So they gave it considerable attention. In the daytime, Saabs or Canberras would come hedgehopping in at rooftop level to blast Luigi's boys with cannons and machineguns, and the Irish would lob mortar shells at the tunnel. At night, there would be more mortar barrages and probing attacks. We used to squat on the balconies of the Leo Deux with all lights extinguished, listening to the dull roar of explosions and the chattering of machineguns from the tunnel while tracer bullets burned across the night sky. Somebody would say "Luigi's catching hell tonight" or "Luigi'll have a thirst tomorrow." We never talked about the tunnel except in terms of Luigi. It was his personal real estate, his own small slice of Poland. Luigi had neither wife, nor home, nor nation of his own but the tunnel was his. In the tunnel with the ricochets whining like angry bees and the ground shaking from exploding mortar shells, Luigi was somebody. He was Kosciuszko. He was

the Polish barons standing up against the Huns and the Mongols. The tunnel made Luigi real and gave him meaning and he loved it as only a Pole could love his mistress. He was definitely "a glamorous person." Without the tunnel, Luigi was just a squat little man who used to cook other people's meals, a fellow who couldn't keep his wife in line. I often wished the errant lady could have seen him in all his glory.

We almost lost Luigi on the 13th. When he came into the bar the next day, there was a bloody bandage wrapped around his head where a shell fragment had taken a hunk out of his skull. He was dirty, unshaven, tired, and the going had obviously been pretty rough. But Luigi could still laugh, a great rumbling thunder of a laugh that began somewhere down by his belt buckle and gathered strength as it bounced up through his chest.

On Friday evening, Luigi did not come in for his usual pernod at the Leo Deux and we knew that things must be bad at the tunnel. There was heavy firing from that direction and from the north. Away off to the west we could hear muffled explosions and the angry stutter of automatic weapons from the Lido area, through which the Ethiopian conquerors of the golf course slowly were pressing. There were few mercenaries or gendarmes in the bar and most of those who were there were wounded. In the early days of the fighting, the bar had been packed with journalists, soldiers, and local white volunteers who spent their days in their normal civilian occupations and then went "moonlighting" with Tshombe's troops. These, again, could hardly be termed mercenaries. They were bitter men whose friends or relatives had been killed or wounded by U.N. fire, whose homes had been smashed into rubble, whose businesses had been ruined. They had an odd assortment of weapons and even odder attempts at uniforms. Nobody paid them. They fought because Katanga was their country and they hated the U.N.

Now there were few of them around the hotel. There were plenty of civilians but none with arms. The Katanga police came through checking the identity cards of the Africans in the hotel, a bad sign because it meant things were falling apart and the authorities were looking for deserters and traitors.

The night of the 15th was bad. U.N. mortar shells rained down on the center of the city all night long, bracketing the hotel and sending fragments humming into the rooms and rattling off the walls. At first I'd had to content myself with two chair cushions on the floor as a bed. But as the U.N. edged closer and the shelling became more intense, one of my more fortunate colleagues had vacated his bed and gone back to Rhodesia. So I had a place to sleep. The other bed was occupied by a former British mercenary. Things were not so good for him. If (or rather when) the U.N. captured the city, he stood a good chance of being turned over to the Léopoldville Government. If he tried to get out of Katanga, the gendarmes might well shoot him as a deserter. As the night wore on, we became quite skillful at rolling off our beds onto the floor in the split second given one between the time one heard the whistle of an incoming mortar shell and the explosion. Finally, we gave up and dragged our mattresses onto the floor and slept there. All night long the mortars came down and fragments rattled off the roof like acorns falling in the autumn.

In the morning there was no food, water, or electricity in the hotel. The lobby was jammed with taut-faced Belgians talking quietly in little knots. Mortars peppered the streets outside and the acrid smoke poured into the hotel. Dogs ran about barking crazily. Wounded gendarmes, sullen and tired, streamed south toward the one remaining

gap in the U.N.'s pincers. One hard-looking mercenary in battledress with his Bren gun slung over his shoulder and a suitcase inconspicuously in one hand came into the hotel and disappeared upstairs. Minutes later he reappeared unarmed and in civilian clothes. There were still a few gendarme mortar crews in the area and one went into action in front of the hotel, which indicated that the U.N. was no more than a few hundred yards away. There were no more white mercenaries in evidence except for a single French officer who careened around the streets in a jeep on which a heavy machinegun was mounted. The tunnel was ominously quiet and it was rumored that it had fallen. When fire began to come into the city from the tunnel, we knew that this was the case. Luigi was gone, probably dead or captured, although there was always a chance that he'd pulled out and headed for Kipushi. I was sorry that I had not had a chance to say goodbye but glad that he had had his red scarf, his few months of recapturing the brittle gaiety of World War II, of being a glamorous person.

We knew the end was near. The Katangan Information Office, which had had its headquarters in the Leo Deux and had supplied us with much propaganda and, occasionally, a bit of news, had pulled out before dawn for Kipushi, where Tshombe was with his government. These officials most ungallantly had neglected either to inform or to provide transportation for a South African woman colleague of theirs. She awoke on the morning of December 16, to find her employers gone and U.N. Indian troops within 4 blocks of the hotel.

Incredibly enough, Elisabethville did not fall on the 16th. This was less the result of the tenacity of the Katangan gendarmes than the extreme cautiousness of Raja. In the center, or northern front, his Gurkhas, Dogras (Indians), and Ethiopians had taken the Victory Stadium and pushed forward to the Avenue de Ruwe. There they were held up by scattered pockets of resistance. In a military sense, this was no front at all. Five or six gendarmes with a machinegun would barricade themselves into a house. There would be snipers scattered on the rooftops and in the gardens. Here and there an occasional civilian armed with a shotgun or a sporting rifle would fire a round or two. The U.N. soldiers would edge up slowly, clearing a street house by house. When their pressure became too great, a flying squad of gendarmes or mercenaries equipped with bazookas or recoilless rifles would roar up, establish a base of fire, and force the U.N. troops to halt. Then the flying squad would pull out and rush to some other threatened point. The Katangan mortar batteries operated in the same fashion. Both to avoid counterbattery fire and to create the impression of having far more guns than they did, they shifted their positions constantly. During all this, there would be a steady flow of refugees streaming out of the embattled area. All this fighting was in the white section of town. The native quarters to the south of the city were hit by U.N. mortars and air strikes but there was no ground fighting there until the very end. Most of the whites had fled but there were always a few who had stayed because they had no place else to go. With them were a few African servants. As the U.N. moved up, these scurried down the street in the pouring rain carrying a few belongings with them. Always there was the crazy barking of the dogs.

It was the flanks upon which Raja, attempting to complete his encircling movement, was placing the most pressure. In the west, his Ethiopians fought their way across the golf course against heavy resistance from gendarmes and mercenaries. They cleared the Les Roches district (machinegunning to death Guillaume Derricks,

an advisory director of Union Minière, his 86-year-old mother, and their African servant), recaptured the Lido Hotel, and skirminched through the wooded dells surrounding the zoo. The Ethiopian right flank reached Karavia Creek, interdicting by fire one of the two routes to Kipushi. From their positions they began to fire on the Union Minière compound. On the western front, the Irish and Swedes had cleared the industrial area and seized Luigi's tunnel, occupied the main railway station, and were fighting their way into Camp Massart (called Camp Tshombe by the Katangans), which was only lightly held by a rearguard of gendarmes. The Katuba and Kenya native quarters to the south were a scene of chaos. War drums were throbbing, people were rushing about aimlessly, long straggling columns of gendarmes were pulling out to the south. White civilians trying to escape by this route were arrested or turned back by the gendarmes. About the only ones able to get out were journalists, all of whom had permits from the Katangan government. But even these often failed to satisfy the excited soldiery, although bribery usually worked.

The U.N. mortar attack on the center of the city continued on the 18th, again in a pouring rain that was a blessing because it furnished the battered city with drinking water. In the center, the Gurkhas continued their slow, methodical advance. To the west, the Ethiopians were unable to move forward because of stiff resistance in front of them. The U.N. then launched a heavy air attack against the Union Minière works, claiming (after first denying the attack) that heavy firing had been directed on their troops at the Lido from the mining company's compound. A U.N. spokesman also claimed that Indian soldiers had discovered a map showing that Union Minière's telecommunications center was the headquarters for the entire Katangan resistance. Union Minière denied the allegation as "false and ludicrous," stating that only mining company employees were sheltered in its offices and mill. Both sides were wrong and both right in this case. Union Minière's telecommunications had been used by the Katangan government, but not, to my knowledge, for military purposes. Katangan gendarmes and mercenaries certainly were firing from the mining company's property but again, to my knowledge, not from its buildings.

On the west, the Swedes had captured Camp Massart, as we discovered when they fired on a car carrying three civilians out of Elisabethville. The driver of the car, Jean-Claude Cornaz, a Swiss employee of the Katangan Ministry of Economics, was killed. His two passengers, Rhodesian Federal Broadcasting Corporation newsman James Biddulph and New York Herald Tribune correspondent Sanche de Gramont (a Harvard-educated Frenchman), were seriously wounded. A Swedish lieutenant said his men fired on the car with a machinegun when it failed to halt at a roadblock. There was no roadblock, however. The Swedes were simply dug in on one side of the road, the Katangans on the other, a fact of which the travelers were unaware. And the battered state of the vehicle indicated that it had been hit with either a bazooka or a 20-millimeter cannon, not a machinegun. The facts of the incident that matter are that U.N. troops fired with a highly lethal weapon on an ordinary passenger car with Rhodesian license plates in which three unarmed civilians were heading away from the combat zone. In a similar incident, the U.N. machinegunned Katangan Health Minister Jean Mwema's car, killing his wife. These incidents were typical of the type of total war waged by the United Nations, an organization dedicated to peace, in a city jammed with civilians.

While armored cars and mortars duelled in the smoke-filled streets, word came from

the north that the U.N. was facilitating the advance of 1,800 Congolese troops on Kongolo, who were being resisted by the Katangan garrison. It was these Congolese troops who 2 weeks later were to slaughter the Kongolo missionaries. U.N. losses were unofficially put at 20 dead in Elisabethville and about 50 wounded. Katangan sources said that 20 gendarmes had been killed and 117 wounded in the last week of fighting. The city's hospitals, one of which now found itself between the opposing lines and the other exposed to Swedish fire, reported 8 white civilians dead and 35 wounded, 15 African civilians dead, and 121 wounded. The U.N., which declined to call its action a general offensive, reported that 12 Baluba refugees had been killed and 119 wounded in their camps by Katangan mortar fire.

Meanwhile, on the 17th, U Thant, meeting with his Congo Advisory Committee in New York, stated that he was willing to consider "reasonable" proposals for a cease-fire. This was, in effect, a denial of the five-nation plea for an unconditional cease-fire. U Thant told the committee: "For us to stop short of our objectives at the present stage would be a serious setback for the U.N." The committee agreed. There was no cease-fire.

But other negotiations were underway. Kennedy (with U Thant's approval) had agreed that U.S. Ambassador to Léopoldville Edmund Gullion should act as conciliator and arrange for talks between Adoula and Tshombe, provided the latter agreed not to rule out the reintegration of Katanga into the Congo. On the 17th, Tshombe cabled Kennedy:

"I wait your Ambassador in Elisabethville. I am ready to hold discussions with Mr. Cyrille Adoula. Please arrange an immediate end to hostilities. Thanks to your intervention, we believe calm will be restored in the former Belgian Congo before Christmas."

It is not known whether Kennedy's overtures to Tshombe contained the promise that, if he did come to terms with Adoula, Gizenga would be dealt with by the Central Government. This may well have been the case. That other secessionist and fair-weather friend of Tshombe's, "King" Albert Kalonji of the "Mining State," was also arrested in late December. At any rate, in Léopoldville, Ralph Bunche, Linner, and Ghana's able Robert Gardiner (who was to succeed Linner as chief of the U.N.'s Congo operation) parleyed with Adoula to get him to agree to negotiate with Tshombe.

Finally, late on the 18th, Tshombe and Kibwe drove to the Northern Rhodesian town of Kitwe, where they were met by Gullion. The next day, a "suspension of fire" took effect in Elisabethville as Gullion and the Katangan delegation flew off in the American Presidential Constellation *Columbine* to the U.N.-held military base of Kitona at the mouth of the Congo River to negotiate with Adoula. Katanga's red, white, and green flag still flew over Elisabethville. The December war was over.

X. KITONA AND ITS AFTERMATH

"The President of the Province of Katanga recognizes the indivisible unity of the Republic of the Congo." (Article II of the Kitona agreement signed by Tshombe on December 21, 1961.)

"The word 'Congolese' is a Belgian invention. First, I am always Katangans." (Albert Nyembo, Katangan Minister of Information, addressing the Congolese National Assembly on December 30, 1961.)

On his departure from Léopoldville to meet Tshombe at Kitona, Adoula stated that "reconciliation is possible only if Mr. Tshombe accepts his responsibilities under the *loi fondamentale*" and ends his "rebellion" against the Central Congolese Government. In short, Adoula was going to Kitona not to negotiate but to accept the unconditional surrender of Katangan sovereignty. The only

concession Adoula made to Tshombe then or later was to agree to meet him at Kitona rather than at Léopoldville. Tshombe had, of course, frequently stated his willingness to negotiate with Adoula on neutral ground, since his arrest at Coquilhatville had made it impossible for him to put much faith in a Congolese guarantee of safe conduct. Adoula, for his part, had been unwilling to meet Tshombe on neutral territory because he regarded him as only a provincial leader. Adoula was able to accept Kitona because it was in Central Government territory. Tshombe agreed to go there only because the base was under control of U.N. forces and because he had U.S. and U.N. safe-conduct guarantees.

This statement by Adoula greatly reduced the chances of any permanent settlement emerging from Kitona. Adoula had a fair legal case in demanding that Tshombe adhere to the loi fondamentale since this instrument had been created at the Brussels conference which Tshombe had attended and the Katangan leader had then accepted it. The fact remained, however, that the loi fondamentale was only a provisional constitution which had never been ratified. But far more important than the legal question was the actual political and military situation. Katanga had been independent in fact if not in law for nearly a year and a half. Although the Katangan gendarmerie had been mauled in the December fighting, it was still an effective fighting machine. While the U.N. at the time of the suspension of fire had almost encircled Elisabethville and certainly could have captured the city within a few days, the great majority of the gendarmerie and the remaining mercenaries had extricated themselves from the city and were resting and regrouping at Kipushi. The important centers of Kolwezi and Jadotville were still firmly in Katangan hands. Even had these been lost, the gendarmerie had the strength to carry on the war from the bush for months.

To expect Tshombe to surrender abjectly under these conditions was unrealistic. Even if the Katangan President had been willing to accept such terms, Tshombe knew (and Adoula, Kennedy, and U Thant must have known, unless they were woefully misinformed by their agents on the spot) that the hard core of Conakat, led by Munongo, would never agree to such an unconditional capitulation. Nevertheless, Adoula made his statement and flew to Kitona accompanied by Ralph Bunche, Mahmoud Khari, and Robert Gardiner of the U.N., and by three of his ministers, Foreign Minister Justin Bomboko (an old enemy of Tshombe's), the Gizengist Interior Minister Christophe Gbenye (whom Adoula appointed Deputy Prime Minister on February 14, replacing him as Interior Minister with Cleophas Kamitatu, President of Léopoldville Province), and Justice Minister Remy Mwamba.

Tshombe, looking tired and drawn, had arrived at Kitona an hour and a half before Adoula's plane landed. With him were Gullion, Finance Minister Jean Baptiste Kibwe, and Odilon Mwanda, Katangan delegate to Brussels.

It was the first meeting between Tshombe and Adoula since the latter's rise to power in August. The talks between the two leaders on December 19, held in a hospital waiting room, were informal and friendly. The big stick was very much in evidence, however, for on the same day Ethiopian U.N. troops in Elisabethville occupied the entire Union Minière compound. Both sides remained edgy, their troops still dug in facing each other.

The Congolese and Katangan delegations closeted themselves in the hospital waiting room for formal talks on the 20th, while the U.N. officials and Gullion hovered anxiously outside in the corridors. Whisky and sandwiches flowed into the room and angry voices

flowed out of it. On several occasions, both Adoula and Tshombe appeared ready to break off the talks. Each time, Bunche, Gullion, Khari, or Gardiner soothed their ruffled feathers and shepherded them back into the conference room.

Finally, in the early morning hours of December 21, after 17 hours of almost continuous discussions, Tshombe signed an eight-point agreement officially ending Katanga's secession, although he stipulated that his action would have to be ratified by his cabinet and by the Katangan legislature. The Kitona agreement reads as follows:

"The President of the Province of Katanga—

"I. Accepts the application of the loi fondamentale of May 19, 1960.

"II. Recognizes the indivisible unity of the Republic of the Congo.

"III. Recognizes President Kasavubu as chief of state.

"IV. Recognizes the authority of the Central Government over all parts of the Republic.

"V. Agrees to the participation of representatives of the Province of Katanga in a government commission to prepare a new constitution.

"VI. Agrees to take all measures to permit senators and deputies of Katanga Province to exercise the national functions (that is, to sit in the national legislature).

"VII. Agrees that the gendarmerie of Katanga shall be placed under the authority of the President of the Republic.

"VIII. Agrees to see that the resolutions of the U.N. Security Council and General Assembly are respected and to facilitate their execution."

After signing the agreement, Tshombe flew back to Elisabethville and Adoula to Léopoldville. The Kitona document, which Gullion termed a "statesmanlike agreement" and not "punitive in any way," was not the fruit of negotiation but an unconditional surrender. On his arrival home, Tshombe shrugged when asked if he was satisfied with it. Kibwe murmured "not so good, not so good." Why did Tshombe sign such an agreement? There are two possibilities. The first is that Adoula gave him a secret oral assurance to the effect that the commission agreed to under article V of the agreement would rewrite the Congolese constitution to provide for a federal form of government with considerable local autonomy. Adoula may also have promised Tshombe substantial Conakat representation in his cabinet. Nothing has taken place in the months since the meeting, however, to indicate that this was the case.

The second possibility is more likely—that Tshombe signed under duress and never intended to implement the Kitona agreement. This duress could have taken two forms: fear for his personal safety at Kitona or the threat that the U.N., if he did not sign, would immediately end the suspension of fire, launch a new offensive, and carry through its operations until Katanga's secession was ended and Tshombe handed over to Léopoldville for punishment.

It is unlikely that the United States or the U.N. would have allowed its safe conduct guarantee to be violated to the extent of handing Tshombe over to the Congolese at Kitona. It is quite likely, however, that the U.N. and U.S. representatives did warn Tshombe he would be overthrown by force if he did not accept Adoula's terms. The U.N. was on record by the Security Council resolution of November 24 as rejecting the claim that Katanga is a sovereign independent nation. Illegal as this resolution may have been under the terms of the U.N.'s own charter, it gave the international organization the power and the authority to overthrow Tshombe's government by force if necessary. There can be little doubt that this was exactly what it planned to do.

Had Tshombe been less wise and more honorable, he would have refused to sign the Kitona agreement and flown back to Elisabethville to face a renewed United Nations offensive. He is, however, just as shrewd, tough, and unprincipled as the men with whom he has to deal. Tshombe was well aware that world public opinion was by no means solidly behind the United States and the U.N. He was well aware of the fact that the U.N. was deeply in the red over its Congo operation and that many member states wanted the operation ended as quickly as possible. He was aware that his gendarmerie, although still capable of putting up a fight, badly needed a rest. Under the circumstances, it was to his advantage to play for time, as he had frequently done before. Hence, he signed the Kitona agreement, in my opinion, with no intention whatsoever of implementing it in any real sense.

Tshombe can be charged with duplicity on this count and the charge rings true. But was it wise of Adoula and his U.N. and U.S. advisers to insist upon an unconditional surrender which they must have known Tshombe would not and could not accept? It can be argued that Adoula's government was so weak that anything less than insistence on Katanga's complete surrender would have caused its fall. But in the long run Adoula's position could only be weakened by bringing home an agreement that could never be implemented. If the purpose of the Kitona agreement was to give Adoula's government a short-term boost or to provide the U.N. with a future propaganda weapon to hold over Tshombe's head, then the meeting at the mouth of the Congo was a success. If its purpose was to provide a reasonable and workable means of reconciliation which both Léopoldville and Elisabethville could accept with honor, then it was a miserable failure. The Kitona agreement was not worth the paper it was written on because it failed to take into account the fundamental structure of power in Katanga and the Congo.

It was fairly clear that the U.N. understood this. No sooner had Tshombe left Kitona than the international organization began to apply heavy pressure on him to implement the agreement at once. The U.N. immediately rejected Tshombe's contention that the agreement would have to be ratified by the Katangan cabinet and legislature, asserting that "as far as we are concerned, it is signed, sealed, and delivered; there is no question of ratification."

On the 21st, U.N. vehicles patrolled into the heart of Elisabethville to establish their right of free movements. This failed, however, to properly police the areas already under their control. Behind the U.N. lines, white residents were placed in the position of having to defend their property as best they could against rampaging Balubas who had broken out of their U.N. refugee camps and were after revenge, food, and loot. The U.N. had failed to keep the Balubas, whom they had invited into the camps, supplied with food, or to maintain any discipline. An estimated 15 to 20 people were being killed each day within the camps in faction fights, and some of these were being eaten. It was calculated that about 4,000 Balubas had moved into homes abandoned by whites in the Bel Aire section alone. Most of the city continued without electricity or water.

When Tshombe reiterated that he was "only the spokesman of my people and it is up to them to decide" as to the validity of the Kitona agreement, Adoula warned that the Central Government would use force against Tshombe again to end Katanga's secession if the Kitona agreement was not implemented. On December 22, the Katangan cabinet decided that it was not competent to rule on the Kitona agreement and passed the matter on to the legislature for a ruling.

The atmosphere continued tense in Elisabethville as Gurkha troops arrested 53 gendarmes and the U.N. admitted that the Baluba refugees were "widening their arc of pillage and loot" around their camps. The U.N. finally agreed to investigate two cases of rape against Ethiopian troops and several of pillaging by the same soldiers.

On the day after Christmas, U.N. spokesman Norman Ho made a statement in Léopoldville that sent a thrill of horror up the spines of all Katangans, black and white: 90 Congolese soldiers, the first of a force of 900, would join the U.N. forces in Kamina. The Congolese troops would wear the blue helmet of the U.N., serve with Indian, Swedish, and Norwegian troops at Kamina on an equal footing, and come under U.N. command. Such a move was certainly legal under the Kitona agreement. But was it wise? Had Linner already forgotten the 13 Italians murdered at Kindu? If he had, he was soon to be reminded of them by an even more horrible massacre. In fact, the movement of the Congolese to Kamina never took place (the Congolese troops showed that they disliked the U.N. as much as the Katangans did when they refused to wear the blue helmets). But the fact that the U.N. command even considered using Congolese troops showed how little it understood the situation in Katanga, how little it cared for the welfare of the territory's white population, and what little respect it had for Tshombe's pride.

The following day, the first group of Katangan representatives flew from Elisabethville to Léopoldville in U.N. planes to take part in the meeting of the Congolese Legislature in accordance with the Kitona Agreement. Diplomatic relations between Belgium and the Congo were reestablished on the same day, after a break that had lasted 17 months. The first group of three senators and an equal number of deputies was led by the Katangan Information Minister, Albert Nyembo. On December 28, a second group of nine Katangan representatives arrived in Léopoldville. Tshombe made it quite clear, however, that his representatives had gone to Léopoldville to bargain for a change in the loi fondamentale, not to participate in the National Assembly. In Paris, Kimba, the Katangan Foreign Minister, said that Katanga was prepared to make concessions, but on the condition that "such concessions were not unilateral." Actually, the Katangan delegates did take their seats, but only after Nyembo had emphasized that they would expect concessions in return when a new constitution was framed.

The situation in Elisabethville had not improved much. On December 28, Tshombe charged that U.N. troops were preparing a new offensive against Katanga. Tshombe said it was his understanding that the U.N. would jump off if the Katanga legislature did not meet on January 3 to ratify the Kitona agreement. Tshombe added that U.N. troops had ringed the town and were preventing gendarmes from entering the African townships. Urquhart, now senior U.N. civilian official in Katanga (the Frenchman Georges Dumontet, perhaps the ablest of the long succession of U.N. officials to serve in Elisabethville, now became Urquhart's assistant), said the townships had been sealed off to prevent looted goods from white areas reaching them and to stop looting within the townships themselves. In an incident in one of the townships, two Katangan gendarmes were killed by a Swedish patrol. Katangan Justice Minister Valentin Ilunga was arrested by U.N. troops but later released.

On the following day, Tshombe charged that central government troops with the support of U.N. forces had unleashed a new attack against northern Katanga. A U.N. spokesman in New York denied that U.N. forces were supporting such an attack (they

were correct in this) and admitted that they had received reports of minor skirmishing in the area in recent days. Tshombe asserted that the main attack, launched by nearly three battalions of Congolese, was aimed at Kongolo, 40 miles south of the Katanga-Kivu border. Tshombe added that other Congolese troops were attacking Kapona, southwest of Baudouinville. On New Year's Day, Tshombe repeated his charge that Congolese troops were killing and burning in the Kongolo district and added that he had been forced to order his gendarmes to evacuate the town. The tin-mining town of Manono had also fallen to Baluba irregulars. At Kapona, he said, gendarmes had repulsed the Congolese attacks.

Now it was too much to expect that the U.N. would make any attempt to send troops to Kongolo to separate the Congolese and Katangan troops in accordance with their mandate to prevent civil war. The U.N. had already made it quite clear that a Congolese attack on Katangans was to be considered as a police action and hence not a matter for the U.N. to concern itself with. One might have thought, however, that the U.N. could have sent a small body of troops to maintain the safety of local civilians, dispatched a few observers, or at least made an aerial reconnaissance. It took none of these steps, despite the fact that it was well aware (or should have been) that these 1,800 troops were Colonel Pakassa's rabble that had murdered the Italians at Kindu. One comes to the conclusion that the U.N., if it did not welcome any diminution of Tshombe's authority in northern Katanga, at least did not care what happened in the area. Twice it had been quick enough to kill white and black civilians alike in an effort to impose a political solution on Katanga; seldom had it been willing to go out of its way to maintain law and order in remote and dangerous areas.

The first reports of the Kongolo massacre were not released until January 16, more than 2 weeks after Tshombe's charge that the district was being devastated and his troops were withdrawing. An African seminarian staggered into Bukavu in Kivu Province after a journey of hundreds of miles through the bush to report that 19 Roman Catholic missionaries (most of them Belgians) at Kongolo had been beaten with bicycle chains, shot, and dismembered by the invading Congolese. Parts of the bodies were eaten. Many civilians, the seminarian said, had also died in the massacre. The blood bath had taken place, he said, on New Year's Eve at the Mission of the Holy Spirit.

What was the response of the U.N. to this terrible tale? Urquhart said he had no information. The U.N. in Léopoldville admitted that it had no troops within 150 miles of the area and bleated about the "almost insuperable difficulties" in investigating the massacre (yet it had always been able to find the troops to attack Tshombe). The best the U.N. was able to do was to offer every possible assistance to the Central Congolese Government in finding the riotous troops and in preventing further incidents. In effect, all the U.N. did was to send jets swooping over the area at a safe height. These confirmed a Red Cross report from Elisabethville (the Red Cross intelligence apparently was better than Urquhart's) that the murderers of Kongolo were preparing to attack a mission run by White Fathers and Franciscan Sisters at Sola, just north of Kongolo. Pilots of the U.N. jets reported Congolese soldiers at Sola, huts in the village afire, and little sign of life around the mission. The idea of bringing U.N. troops into Kongolo by helicopter was rejected as extremely hazardous.

It was not until January 23, more than 3 weeks after Tshombe's warning and a week after the announcement of the massacre, that a 37-year-old British major named

Richard Lawson, a man of great courage, demonstrated that the difficulties of getting into Kongolo were not as insuperable as the U.N. had led the world to believe.

Lawson, armed only with a swagger stick, jumped with a Congolese major from a light U.N. aircraft as it touched down at Kongolo, rolled across the field and took off again without stopping. The Congolese major promptly ran away into the bush and has not been seen since. Lawson, a blond and boyish former tank officer serving with a Nigerian battalion, was left alone to face the skin- and feather-clad savages of the Balubakat Jeunesse. Although one of these patriots stabbed him in the back with an arrow (and drew a punch in the nose for his pains), Lawson was able to make an assessment of the situation in Kongolo and to rescue the one survivor of the massacre, a Belgian, Father Jules Darmonth, who flew out with him when his aircraft returned. Lawson established that 22 missionaries had been murdered at Kongolo by 5 doped-up and drunken Congolese soldiers, that half the town had been burned and the rest looted so thoroughly that "there was nothing left to pillage." Most of the population had fled into the bush to avoid Jeunesse cannibals but 3 Congolese priests and 30 Congolese nuns had remained at the Holy Spirit Mission.

Lawson made a second trip into Kongolo, accompanied by a Nigerian officer, Maj. Conrad Nwawo. From there they drove 30 miles to Mbulula where they found three nuns and eight priests. The missionaries were part of a group of seven nuns and nine priests who had fled through the bush from Sola to find refuge with a small unit of the Katangan gendarmerie. Four nuns and one priest had already been flown out to Baudouinville by the Katangan Air Force. Lawson and Nwawo were beaten by the villagers of Mbulula whom, since the pair were U.N. officers, they associated with the murderers of Kindu and Kongolo. Lawson and Nwawo, rescued by the Katangan gendarmes, offered to arrange for the evacuation of the remaining nuns and priests. But these, fearing that they would be killed if they associated themselves with the U.N., refused to go. They were later evacuated to Baudouinville on Tshombe's orders. U Thant said that the U.N. was unable to give protection to the 33 Congolese priests and nuns remaining in Kongolo. So ended this tragic and disgraceful episode.

In Washington, the State Department asserted that it was deeply distressed by these atrocities. Well might it have been, since they were the direct result of a U.N. policy to which the United States gave its full support. By waging war against Tshombe in the south, the U.N. had made it impossible for northern Katanga to be properly policed. The U.N. had compounded the error by airlifting savage Congolese troops to the area. It then refused to undertake any sort of police operation in these zones which it had left open to barbarism. When the inevitable atrocities occurred, it refused to move troops in by helicopter because that would be extremely hazardous. Lawson and Nwawo had shown that even a small group of U.N. soldiers possessed of moral and physical courage could have done a great deal to safeguard the local civilians. There were either too few such men among the U.N. forces or their political leaders were too timorous to permit them to do what most of them must have recognized as their duty—to protect lives and preserve law and order.

Meanwhile, the diplomatic pressure on Tshombe intensified. On December 30, Kasavubu called on the Katangan Legislature to meet at Kamina on January 3, a move which Tshombe rejected as a grave violation of constitutional law. The legislature, Tshombe asserted, would meet in Elisabethville on the 3d. Kasavubu's proposal apparently was designed to encourage the anti-Tshombe Balubas to attend (many

were afraid to come to Elisabethville) so that Tshombe's lack of support in northern Katanga could be exposed.

U.N. spokesmen had repeatedly accused the Federation of Rhodesia and Nyasaland of supplying Tshombe with mercenaries and war materials, an allegation Federal Prime Minister Sir Roy Welensky had frequently and heatedly denied. Both sides were right and both wrong in this instance. One is inclined to accept Welensky's assertion that his Government had at no time given Tshombe military assistance of any sort. On the other hand, white volunteers for Tshombe's forces repeatedly had passed through Rhodesia on their way from Europe to Katanga. As transit passengers, only a few of specified nationalities required visas. A few Rhodesians had volunteered as private citizens to serve Tshombe. In addition, paramilitary commodities such as gasoline, lubricants, and vehicles had legally been exported to Katanga by Rhodesia. Unquestionably, some arms and ammunition had been smuggled across Rhodesia's 1,200-mile-long border with Katanga, which was guarded by only five customs posts.

U Thant now sought to stop this by requesting that U.N. observers be posted at Rhodesian airports and roads leading into Katanga. A similar request was made to Portugal in respect to areas of Angola bordering on Katanga. Neither Portugal nor Rhodesia have any reason to love the U.N. The request to Portugal was particularly ironic, since that same month the Security Council had refused to take any action in a clear case of Indian aggression (recognized even by the U.S. Government) against Portuguese Goa. Portugal and Rhodesia rejected the requests, although Rhodesia agreed to strengthen its border posts and invited U Thant to come to Salisbury for discussions on the question, an invitation he declined.

On January 3, the Katangan Legislature met for exactly 7 minutes before adjourning because there was no electricity and Tshombe had not arrived. On the following day, the assembly met again with 35 of its 60 members (a bare quorum) present. Absent were all the Balubakat deputies and several tribal representatives who had been unable to reach Elisabethville because of disturbed conditions in the north. Tshombe told his deputies: "I leave to you the task of determining how far our concessions can go and which articles of the (Kitona) agreement should be modified." He went on to accuse the Central Government of having several times violated the loi fondamentale that it requested Katanga to accept. Tshombe concluded: "Katanga must be unified with its brothers in the Congo but remain sufficiently free so that its fate will not be finally sealed on the day the shadow of communism spreads over this country." Obviously, Tshombe was intent on keeping considerable local autonomy for Katanga and had small faith in the future of the Congo.

While Nyembo was dicker with Adoula in Léopoldville and the Katangan Assembly was debating in Elisabethville, two top State Department officials launched a new attack against Katanga. Assistant Secretary of State G. Mennen Williams, speaking in Detroit, accused the Katangan Government of fabricating horrendous tales of indiscriminate mayhem by United Nations troops during the December war. Unquestionably, the Katangan Information Service had played up U.N. atrocities, real and imagined, for all they were worth. Williams might have been in a better position to judge, however, had he spent some time in Elisabethville's Leo Deux while the U.N. mortar shells rained down during those last days before Christmas. Every newsman there had seen civilians shelled with his own eyes. Each of us had seen Red Cross vehicles destroyed by U.N. fire. Or were all of us ly-

ing? Georges Olivet, the Swiss Red Cross representative, lay in his shallow grave in testimony that we were not. Sanché de Gramont of the New York Herald Tribune might well have sent Williams a few pieces of the shrapnel picked from his body after Swedish troops shot up the civilian car in which he was leaving Elisabethville.

On the same night that Williams made his speech, Carl T. Rowan, Deputy Assistant Secretary of State for Public Affairs, made an even more vitriolic attack on Katanga in a Philadelphia speech. Rowan charged that Katanga was waging a "clever big-money campaign" to dispense "a string of myths" designed to gain American support. Rowan directed his attack primarily against Michel Struelens, a New York-based Belgian publicist who Rowan said had spent \$140,000 in 15 months in an attempt to put Katanga's point of view across. Rowan also strongly implied that Union Minière was behind the whole problem in its attempt to create "a safe little kingdom" for its financial interests. Rowan acted as if it was a crime for Union Minière to make a profit and tried to smear American supporters of Tshombe by asserting that they numbered among them "arch conservatives, people who oppose the income tax, avowed defenders of racial segregation, opponents of fluoridation of water, those who want to destroy the Supreme Court."

The Washington Star, in an editorial on December 29, dismissed Williams' speech as "a rehash of the familiar State Department-U.N. line, with all of the distortions and omissions, plus a few characteristic Williams-ish embellishments." Rowan's address it saw as "filled with fascinating contradictions and McCarthy-like innuendoes." Finally, the Star concluded, if Struelens could get so much mileage out of \$140,000, the State Department should hire him, since it achieved so much less at a cost so much greater. In the end, there were few who would agree that because one thought Tshombe had some merit to his case, one must, by definition, oppose the fluoridation of water. These two speeches could only be taken as an attempt by the administration to muzzle opposition to its Katanga policy by smearing those who supported Tshombe through guilt by association. It failed, perhaps because Americans had experienced quite enough of these tactics under Senator McCarthy.

Back in the Congo, Adoula moved against other secessionists. On December 29, the National Assembly voted to revoke "King" Albert Kalonji's parliamentary immunity. He was arrested and placed under detention in Léopoldville. On January 8, the Assembly ordered Gizenga to return from Stanleyville to face charges of secessionist activity. Gizenga, who had been holed up in Stanleyville since October, refused to return. He was arrested after a battle between his bodyguard and Lundula's troops in which 14 were killed, and later transferred to Léopoldville. Gizenga was censured by the National Assembly, dismissed from his post of Vice Premier, transferred to a new place of detention near the mouth of the Congo River, and legal proceedings were instituted against him.

On January 10, Linner charged in a report published by the U.N. in New York that a hard core of mercenaries was still at large in Katanga and responsible for the continued uncertainty of the military situation there. In addition, Linner charged that 35 French-speaking mercenaries 2 days before had reached Brazzaville en route to Elisabethville. Of these, 26 Frenchmen and a Spaniard were sent back to Europe by the Rhodesian immigration authorities because their visas were not in order. Five Belgians, an Italian, a Frenchman, a Spaniard, and a Briton, who had valid visas, were allowed to proceed to Katanga. Nearly 3 tons of camouflaged uniforms carried by their aircraft were returned to Europe.

The importance of the incident was that it clearly demonstrated that Tshombe had no intention of implementing the Kitona agreement. He might send deputies to sit in the Congolese National Assembly, he might negotiate about a constitution, he might recognize Kasavubu until he was blue in the face; but Katanga was in fact if not in law independent and he intended to keep it that way. While the Katangan Legislature approved seven points of the Kitona agreement but haggled over the one calling for it to respect and facilitate the execution of the Security Council's resolutions, Tshombe fortified Kipushi and built up his army. Said U Thant: "It is our hope that he (Tshombe) will keep his promise; I must add, however, that our plans and preparations for further operations to achieve total elimination of mercenaries are going forward without delay."

Finally, on January 12, the U.N. agreed to an International Red Cross request for an investigation into Olivet's murder. The Katangan Government had been conducting an investigation but had not been allowed to extend this to territory under U.N. control, which included the spot where Olivet's ambulance was shot up. The U.N. lamely stated that it had not instituted its own investigation because it did not possess "adequate legal or technical resources." Or was the international organization in fact afraid that such an investigation, despite "Soapy" Williams, might well reveal that its troops had been guilty of atrocities?

On January 24, Tshombe met with Urquhart, Jose Rolz-Bennett, a Guatemalan who has since replaced Urquhart as chief U.N. representative in Katanga, and Dumontet to discuss the question of mercenaries. Tshombe gave Urquhart a list of French officers who, he said, "have just been paid off with thanks." Tshombe asserted that no foreign officer held any post of command in the Katangan gendarmerie. This may well be the case. However, there is little doubt that white officers still serve as instructors and tactical advisers. On the same day, Lundula sent 160 Congolese troops to Kongolo in an attempt to apprehend the murderers of the missionaries.

After another meeting with the U.N. representatives Tshombe announced on January 27 that he was "resolutely determined to put an end to the problem of mercenaries." With this in mind, he added, he had demanded a month to seek out "those individuals who could be suspected of being mercenaries." At the end of this month, he suggested the establishment of a joint U.N.-Katangan commission to supervise the removal of mercenaries. Tshombe also stated that the gendarmerie was commanded by Katangans and must remain so, adding that "in no case would Katangan soldiers accept being under the command of European officers of any nation." It was obvious that Tshombe had no intention of handing over his gendarmerie to either Congolese or U.N. officers for retraining.

Several days before this, Tshombe had written to American Consul Lewis Hoffacker, asking for a visa to enable him to visit the United States in March, where he had been invited by his American supporters to address several public meetings. Hoffacker referred the request to Washington. Washington's reply was to ask Tshombe to file a formal application for a visa, to give details about his passport, and to state the length and purpose of his visit. Eventually, Tshombe was denied a visa on grounds that he did not have a valid (i.e., Congolese) passport. Said State Department spokesman Joseph Reap on February 15: "We believe that a visit to the United States by Mr. Tshombe at this time would interrupt and jeopardize progress towards common objectives; this is also the view of the Central

Government of the Congo." The State Department's position, while technically correct, obviously was yet another infringement of the right of the American people to hear Tshombe's side of the situation. While the United States could not admit the legality of a Katangan passport since Washington recognized the Léopoldville Government and not that of Elisabethville, there are many ways around such a situation. For instance, political refugees fleeing from South Africa have traveled on laissez-passers issued by the Indian Government. If the United States had wanted to avoid the embarrassment caused by allowing Tshombe to enter America on a Katangan passport and yet wanted to be fair in allowing him to state his case, it had only to suggest that the Katangan President apply for a laissez-passer from one of his allies, such as ex-French Congo or Malagasy. It did not, however. It simply turned down his visa application.

Meanwhile, a Union Minière team from Elisabethville was negotiating with the Central Government in Léopoldville on how its operations could be reintegrated into the Congo's fiscal plans. Adoula had warned the mining company that he would appropriate it unless it stopped making payments to the Katangan Government. On February 14, the Congolese Prime Minister stated that legally Union Minière owed the Central Government back taxes to August 1960. He added: "We are going to recover the money by all means at our disposal; it is up to us to decide whether to demand retroactivity." It was not until February 20 that the Ethiopian troops which had occupied the mining company's Elisabethville plant shortly before Christmas evacuated the works and allowed production to resume after a stoppage of nearly 2 months.

On January 30, the U.N. announced that eight Congolese soldiers responsible for the Kongolo massacre had been arrested by Lundula's troops and flown to Stanleyville, presumably for court-martial proceedings. On the same day, Linner since replaced as chief U.N. representative in the Congo by Ghana's Robert Gardiner) announced that he had rejected the 1-month delay suggested by Tshombe to enable him to expel the remaining mercenaries from Katanga. The Swede said he had ordered Tshombe to expel his remaining mercenaries immediately and added that if the Katangan authorities did not "take urgent steps to eliminate the mercenaries, the U.N. will not hesitate to take all necessary measures to do so." It all sounded familiarly like the propaganda barrage necessary before the U.N. could launch another offensive to topple Tshombe by force.

On February 2, Adoula flew to New York where he called on the U.N. General Assembly to provide greater military assistance to end Katanga's secession. "From the beginning," Adoula said, "my government announced its absolute will to do away with the Katanga secession." He added: "We are not carrying out a war against Katanga. It is our responsibility to defend our unity and our integrity against separatist maneuvers who take their orders from abroad. Our victory over the mercenaries will be a victory of all of civilization over barbarism." Again, it appeared likely that a new U.N. attack was in the wind.

On February 5, Adoula lunched with Kennedy in Washington and was promised that the United States would continue to provide his government with all necessary assistance.

On February 15, the Katangan Assembly finally approved with a considerable number of conditions and reservations the eight-point Kitona agreement. While the assembly toned down the original statement submitted by its Foreign Affairs and Political Committee—which demanded the repeal of the loi fondamentale, a radical decentraliza-

tion of power in the Congo, and the guarantee of ministerial posts for Katanga in the Central Government—it stipulated that it accepted the Kitona agreement only "as being able to serve as a base" for discussion between the Congo and Katanga. In its motion, the assembly called on the Katangan Government to solve disputes between it and Léopoldville through negotiations. Tshombe, addressing the Assembly, made a new appeal to Adoula. "The two of us, without any foreign interference—which was not the case, alas, at Kitona—will apply an African program, reserved to Africans and decided by Africans. The result will be peace for our people and peace for Africa," he said. Five days later, 75 tribal chiefs from all parts of Katanga published a communique in which they "disapproved of the conduct of the United Nations toward the Katangan people" and alleged that the U.N. was in the Congo to help the United States appropriate for itself Katanga's copper and south Kasai's diamonds. In late February, the gendarmerie retook Kongolo and Kabalo and fanned out against Baluba terrorist gangs in the north.

By March, 1962, although the last nine mercenaries had officially left Katanga 3 weeks before, it was clear that the Kitona agreement was a dead letter. Adoula had made no concessions to Tshombe and the Katangan leader was still too strong to accept an unconditional surrender. While the arrests of Gizenga and Kalonji unquestionably strengthened the central government, these moves gave Tshombe pause: What was to prevent Adoula, once Katanga had been reintegrated into the Congo, from arresting him?

Despite his fears, Tshombe, accompanied by Kibwe and Public Works Minister Gabriel Kitege, flew to Léopoldville on March 15, after first obtaining ironclad safe-conduct guarantees from the U.N. Tshombe told reporters that the purpose of his visit was not to capitulate but to try by means of frank and sincere discussions to save a country that has suffered for almost 20 months. Reconciliation between the Congo and Katanga, he said, was necessary "both for ourselves and for the whole of Africa."

Adoula, in a deliberate snub to Tshombe, flew to Coquilhatville for discussions with the Congo's other five provincial leaders, before talks between the two began on March 18. After a week of secret discussions, during which the tightest security precautions were observed, the talks were suspended when Tshombe asserted, as he had at Kitona, that no new agreement could be binding until approved by the Katanga Assembly.

Said Adoula: "The Katanga crisis has never been more serious." The Congolese Prime Minister asserted that while Tshombe was stalling for time, his colleagues in Elisabethville were buying arms and hiring mercenaries. Calling the talks a comedy, Adoula said his government would use "all the means in our power" to end Katanga's secession. He added that he was linking his government's life to the question.

On March 27, U Thant took the occasion of the appointment of Lt. Gen. Kebede Gebre, Ethiopian Chief of Staff, to replace McKeown as U.N. military commander in the Congo to assert that the U.N. had plans "for the next stages" if the talks broke down. He denied, however, that the use of force was contemplated.

The talks between Tshombe and Adoula were reopened in Léopoldville, where they dragged on into April without making noticeable progress.

The United States and the U.N. were by now more firmly than ever committed to intervention in the Congo and the crushing of the secessionist movement in Katanga. The only factors delaying such a move appeared to be financial considerations and some political pressure from Britain, France, and

Belgium, all of which had grave doubts about the U.N.-U.S. policy in the Congo. Union Minière, anticipating a third and perhaps final U.N. attack on Katanga, was dicker for terms with Adoula.

Tshombe, meanwhile, was reorganizing and building up his forces for a third test of strength with the U.N. The financial problems of the international organization appeared to be playing a major role in delaying U.N. action against Tshombe. Should the American Government agree, as Kennedy proposed it should, to buy half of the \$200 million U.N. bond issue, and should at least a portion of the rest be subscribed to by other nations, it appears likely that the U.N. will again attack Tshombe.

Since Kitona, Tshombe has acted on the assumption that the U.N. will run out of funds and withdraw from the Congo before it has ended Katanga's secession. With this in mind, he has done everything in his power to play for time, to prevent a clash between his forces and the U.N., to persuade Adoula that he intends to reintegrate Katanga with the Congo.

It remains to be seen who will win this waiting game.

EPilogue: MYTH AND REALITY

"To save succeeding generations from the scourge of war . . . to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights . . . of nations large and small. (From the Charter of the United Nations.)

"The United Nations died in Katanga." (Moise Tshombe, Dec. 16, 1961.)

Only a fool would deny the desirability of union between the Congo and Katanga. The arguments for this are both political and economic. Union is desirable politically because the African states want it and because both the United States and the United Nations have staked their prestige on the establishment of such links. If Katanga is not reunited with the Congo, both the U.N. and the United States will suffer crushing psychological defeats. This, of course, is the fault of the U.N. and the United States, not of Katanga. The international organization and the Kennedy administration have placed themselves in this position because they have followed a policy of expediency that is both shortsighted and unethical. More of this later.

There is more substance to the economic argument. We have seen that Katanga is the richest of the six provinces that once constituted the Belgian Congo. We have seen that its fabulously wealthy mines once supported the colonial budget to the extent of more than 30 percent of its total. Apologists for U.S. and U.N. policy maintain that the Congo without Katanga will never become solvent. They may be right. But even a superficial examination of the country's economy reveals that the Congo will be in deep financial trouble even if Katanga's secession is crushed.

During the first 6 months of last year, the revenues and expenditures of the Congolese Central Government and of the six provincial governments including Katanga were as follows:

[In millions of dollars]

	Revenue	Expenditure	Deficit
Central Government.....	27.0	40.8	13.8
Léopoldville Province.....	8.4	28.8	20.4
Oriental Province.....	.18	24.0	23.82
Equateur Province.....	.42	7.8	7.38
Kivu Province.....	2.4	2.4
Kasai Province.....	4.2	4.2
Katanga Province.....	42.0	42.0

These statistics, provided by Belgium's Center for Socio-Political Research and Information, indicate that the integration of Katanga with the Congo would not solve the

latter's financial problems. They also go a long way toward showing why, in an economic sense, Katanga has no desire to be affiliated with the Congo. For the first 6 months of 1961, the Central Government and the five Provinces ostensibly under its control had a combined income of \$36 million and combined expenditures of \$108 million, a total deficit of \$72 million.

Nor, of course, could the Congo extract all of Katanga's revenues from her even if she were integrated with the Congo, since Léopoldville would then become responsible for the administration of Katanga. Under the colonial regime, half of Katanga's contribution to the Central Government was returned to her. Even if this proportion were halved again—and Katanga could not possibly be administered for anything less than this—Elisabethville's subsidy to the Central Government and the other five Provinces over the 6-month period in question would amount to only \$31.5 million. This would still leave a combined deficit of \$40.5 million. In short, Katanga would be impoverished and the rest of the Congo not significantly enriched.

Even this rather unpromising situation would not come about unless Katanga's industrial complex was captured intact. It is unlikely that this would be the case. The U.N.'s military action in December caused considerable damage to Katanga's economy. Any further attempt to forcibly reintegrate Katanga into the Congo could only result in the implementation of the scorched earth policy that the Katanga Government has threatened. In addition, further fighting in Katanga, particularly any attempt to introduce Central Government troops, would result in the almost total exodus of Katanga's whites. The U.N. and the U.S. may be able to wash the Kindu and Kongolo massacres out of their memories. But Katanga's whites, reduced in number from 35,000 to about 8,000 by the U.N.'s policies, have not forgotten. They are the ones who would have to live under the unstable conditions created by the U.N. The vast majority of them would leave if Central Government troops were brought in. Their departure would delay the reactivation of Katanga's economy if not irreparably damage it.

Thus it is clear that the Congo's economic health depends less upon the reintegration of Katanga than upon the reestablishment of order and productivity in the other five Provinces and the adoption of a policy of fiscal responsibility by the Central Government. Under the Security Council's resolution of August 9, 1960, the U.N. certainly had the authority to assist the Central Government in doing this. Although it did its best in this regard, it failed miserably.

The excuse used by the U.N., the United States, and the Central Government to cover this failure has always been that it was impossible to accomplish these ends before terminating Katanga's secession. This simply does not hold water, as events have proved. The United States has always underlined the point that Léopoldville could not smash Kalonji and Gizenga until it had dealt with Tshombe. The falseness of this claim was demonstrated by the ease with which each of these leaders was taken into custody at a time when Katanga's secession was just as real in fact if not in name as it was a year before. Gizenga was always a paper tiger with whom the State Department was fond of conjuring. Lumumba's heir never had a real base of power in Stanleyville because it was not his tribal homeland. As the Central Government discovered when it finally moved against him, his support was limited to a personal guard of less than 200 troops backed by a few hundred members of the Lumumbist Youth Movement. His arrest and imprisonment cost exactly 14 deaths. Linked to this question was the U.N.'s and the State Department's fear that if action was taken

against Gizenga, Russia would intervene unilaterally in the Congo and central Africa would become another Korea. A small knowledge of logistics and a cursory glance at the history of direct Communist military intervention elsewhere in the world would have taught these nervous gentlemen that this was nonsense.

Where has direct Communist military intervention taken place? In Korea, East Germany, Indochina, Hungary, and Tibet. Each of these countries is contiguous to a Communist-controlled land mass. Khrushchev would no more have launched massive military intervention in the Congo than he did in Egypt during Suez or in Lebanon during the American landing there. The logistics of the Congo's geographical position are such that he would have taken a severe beating had he done so. He, if not the United States, obviously realized this. Khrushchev let Gizenga go without a murmur. So much for the paper tiger Gizenga and the threat of Russian intervention. Kalonji in fact was a far more formidable opponent because his regime in South Kasai is based on his own Baluba tribe. This problem was solved by arresting him while he was in Léopoldville, far out of the reach of his supporters.

The fact remains, however, that it would be desirable for Katanga to be a part of the Congo. There are many things that are desirable but are not possible. To confuse the two is to prepare the ground for serious psychological defeats. We have already explored the factors in the Katangan situation—historical, linguistic, tribal, geographic, economic, and political—that militate against such unity. A return of Katanga to the Congo immediately after its secession could only have been possible (and then not probable) had some sort of order and stability been reestablished in the Congo. Paradoxically, the U.N., which was unable to accomplish this task itself, prevented the one group who might have done so from returning to the Congo: the Belgians.

The Congo was Belgium's creature. It had neither ethnic nor geographical meaning. It was one territory only because the Belgians carved it out of Africa's heart 77 years ago. The Belgians provided the essential link that gave all the parts of the territory at least the semblance if not the reality of unity. Most of them fled from the Congo during the unhappy events of the mutiny. As the situation quieted, many of them wanted to return. The U.N. in general and Dayal in particular opposed this. The Belgian Government itself, under the terms of the treaty of friendship, assistance, and cooperation attached to the loi fondamentale, had both the right and the obligation to supply the Congo with the technicians and advisers necessary to keep the new nation orderly and productive. Many of the Congolese themselves favored the return of these Belgian civil servants who had forgotten more about the Congo than the most brilliant U.N. civil servant will ever know. The U.N. was unable to provide the Congo with doctors, teachers, technicians, or administrators in anything like the number or the quality necessary. Yet the international organization adopted a hostile attitude toward a member nation that had been instrumental in the creation of the United Nations and erected every obstacle against the return of Belgians as either private citizens or as government employees. By so doing, the U.N. made a difficult job almost impossible and delayed perhaps by years the recovery of the Congo. Both New York and Washington must bear a heavy responsibility for this.

The U.N. having destroyed the Belgians as a possible factor in the reintegration of Katanga into the Congo, then proceeded to place obstacles in the path of reconciliation between the various Congolese leaders. Tshombe's secession was never absolute. The Katangan constitution stipulates that "The State of Katanga adheres to the prin-

ciple of association with the other countries of the ex-Belgian Congo on condition that they are themselves politically organized in an atmosphere of law and order." Secession took place only because Tshombe and other federalists were unable to obtain a realistic constitution. From start to finish, he has asserted his willingness to negotiate on the subject. He played a leading role at the Tananarive Conference that laid the first foundations for a reconstituted Congo. He showed his good faith by attending the Coquilhatville Conference, where he was arrested after U.N. representatives had made it clear to the Central Government that they could get a better deal by working through the international organization. The Congo envisaged at Tananarive had many weaknesses. The U.N. and the United States didn't like it because it didn't happen to fit doctrinaire theories of political science. But it had two great advantages: It was a Congolese solution to a Congolese problem and it recognized the fact that political power in the Congo now and for the foreseeable future rests not in Léopoldville but in the Provinces. In any case, Tananarive was only a beginning. Had it been properly nurtured, a more unified and stable Congo might have grown from it. But the U.N. was never able to face the fact that if a solution to the Katanga problem was difficult with Tshombe, it was impossible without him.

The U.N.'s plan, despite frequent disclaimers, has been and is to forcibly compel the reintegration of Katanga into the Congo. This was shown by O'Brien's statement in September, when he said Katanga's secession was ended. It was shown when the U.N. flew Bocheley-Davidson, the Central Government's gauleiter, into Elisabethville a few hours later. It was demonstrated again in the Security Council resolution of November 24, 1961, which rejected Katanga's secession. This plan was and is unworkable, for the simple reason that the U.N. lacks the military forces necessary to implement it. The present U.N. force in Katanga of 9,000 men is barely large enough to secure Elisabethville. But Jadotville and Kolwezi, the country's two most important cities, are still firmly in Katangan hands. Even if the U.N. were to receive sufficient reinforcements to enable it to capture the principal cities and towns, the war would be far from over. What the U.N. and the United States have never been able to understand is that when you make war on Tshombe, you make war not on a government or on a political party but on the Lunda, one of the largest tribes in central Africa. In addition, each of Tshombe's cabinet ministers has the support of his own tribe. Even if the U.N. troops had the skill and the stomach to pursue the gendarmerie into the bush and destroy it, they would still have the problem of dealing with the rebellious tribes. In any event, a political solution created by force would not survive the departure of the bayonets that imposed it. The U.N., already deeply in the red on its Congo operation, cannot keep troops in Katanga forever. Some time this year, they will have to be withdrawn. Once they are gone, Katanga will rebel again. The Central Government probably could not keep Katanga within the Congo by force. If it did succeed in doing so, the bloodshed and misery caused in the process would be immense.

Chief U.S. Delegate to the U.N. Adlai Stevenson expressed his shock at the Security Council's decision when he said that "we have witnessed tonight an effort to rewrite the (United Nations) charter to sanction the use of force in international relations when it suits one's own purposes. This approach can only lead to chaos and to the disintegration of the United Nations." In an emotion-charged speech, Stevenson pointed out that "the League of Nations died, I remind you, when its members no longer resisted the use

of aggressive force." Yet it was the Security Council's reliance on the use of force in Katanga which made possible if not certain the decision on Goa. By its actions in Katanga, the U.N. invalidated international law and substituted for it the theorem that it is better to be popular than to be just. If that is the sort of world which we—meaning the United States and the U.N., for the latter still has a role to play—are building, then we are going back to the jungle. Dutch New Guinea may provide the final test. If the United States fails to stand up for the rights of the Papuans, a small and unimportant people, then there is no hope either for us or for the world, and we might as well start digging.

Loyal Americans and supporters of the United Nations are doing neither their Government nor the International Organization any favor if they support them when they are wrong. It was right for the United States and the U.N. to condemn British and French aggression at Suez. It was equally wrong, both morally and legally, for the U.N. and the United States to intervene aggressively in Katanga.

The story of Katanga is a doleful tale bristling with false morality and injustice. It is still an unfinished story. Let us hope that it is a story that will not be repeated in other times and other places.

In addition, Katanga should be compelled under the terms of the secession agreement to remit 740 million per year (roughly its contribution under the Belgians) to the treasury of the central government for a term of 10 years. Other powers which do a considerable trade with Katanga, such as Britain, Belgium, and the United States, should be signatory to such an agreement to make sure that these funds are paid over and to guarantee the borders of both Katanga and the Congo. A customs union should be established between the two countries and a nonaggression treaty signed. For a stipulated period of perhaps 5 years, provision should be made for regular discussions between the Congo and Katanga in an effort to recreate unity. To allay fears that Katanga might become an outpost of white supremacy allied with the Federation of Rhodesia and Nyasaland, Katanga should waive her right to amalgamate with any nation other than the Congo, and immigration of whites into Katanga should be strictly controlled. A small U.N. observer force on the Katanga-Congo border might be desirable to reduce the probability of a clash between the two countries. Such a solution would be far from ideal. No compromise is ever perfect. But it would at least recognize the reality that the Congo is unable to prevent Katanga's secession by force. At least it would be better than the state of hatred, illegality, and near chaos that exists today.

The implications of what the U.N. has done go far beyond Katanga. By breaking its own charter, the U.N. has not only compromised its usefulness but placed in question its very future existence in an explosive world that needs its potential power for peace. The first fruits of this evil seed flowered in December, while firing was still going on in Elisabethville, when India invaded Goa and the Security Council turned down a Western bid for a cease-fire.

As far as the situation in Katanga itself is concerned neither the United Nations nor the United States is capable of playing a constructive role as long as they follow their present policies. The blue helmet and arm-band of the United Nations have become symbols not of hope but of oppression. The sight of an American plane produces not cheers but fists shaken in rage. It takes a big man, nation, or organization to admit it has been wrong. But to continue to follow a wrong policy rather than admitting to error is only to compound a wrong.

It is easy enough, especially in a case where ethics have been so flagrantly violated and the practical aspects of the problem so completely ignored, to show where the United Nations and the United States have gone wrong. What can be done to make the situation right, to deal justly with Katanga and at the same time reestablish the reputations of the United Nations and the United States? The U.N. must first recognize that it acted illegally (through the Security Council resolution of November 24, 1961) by "completely rejecting" Katanga's declaration of independence. The right of Katanga to self-determination—after nearly 2 years of autonomy—must be recognized. It is, after all, larger, more populous, wealthier, and just as stable as a good proportion of the members of the United Nations. Having done this, the U.N. should make every effort possible to demonstrate to both Adoula and Tshombe the advantages to both of a Congo federation or confederation. The Kitona agreement cannot be the starting point of such an agreement. Adoula must be made to realize that concessions are necessary to bring Katanga into the Congo. After every possible avenue of negotiation has been exhausted and a reasonable period of time has elapsed (say, 6 months or a year), if Tshombe does not then agree to bring Katanga back into the Congo, a plebiscite should be held on the matter in Katanga. Such a plebiscite should be supervised by the United Nations, preferably by a commission made up of French Africans. During the balloting, both the U.N. force and the Kantangan gendarmery should be confined to their barracks. Such a plebiscite should be conducted on the basis of Katanga's eight Provinces, the only condition being that no Province should be allowed to secede unless it is contiguous to the other secessionist Provinces. Such an arrangement would give the Balubas of Grands Lacs, Luvua, and Tanganyika Provinces the opportunity to rejoin the Congo if they so desired.

This unfruitful conversation ended quickly. If it was representative of official American thinking—as it appeared to be—there was little profit in further talk. Nor can there be much of a future for America when its Government would rather be popular than just. It is obvious that the United States hopes its position on the Katanga question will generate enough support among the Afro-Asian nations to forestall Russian moves to establish a troika system in place of the office of the U.N. Secretary-General and to delay Red China's admission to the International Organization. Yet the Afro-Asian nations following the Communist line have given no indication that they intend to alter their position on these questions. Nor is there anything to indicate that the conservative African nations (such as the ex-French republics) had any intention of shifting to the left in this regard. In point of fact, the United States has alienated two of these, ex-French Congo and the Malagasy Republic, who are supporters of Katanga.

United States and U.N. intervention in Katanga might have been justified—if one assumes, as the Communists do, that the end justifies the means—had it produced reunion with the Congo on a workable basis. This it has not done. By allowing Adoula to impose unacceptable terms amounting to unconditional surrender, the U.N. and the United States have only made it certain that Katanga will revolt again. The U.N., deeply in the red on its Congo operation, cannot stay in Katanga forever. Tshombe's policy now appears to be to attempt to comply with the form but not the substance of the Kitona Agreement, to send delegates to Leopoldville, to expel most of his white mercenaries, and to pay lip service to Kasavubu, the *loi fondamentale*, and the unity of the Congo. But as surely as night follows day, when the U.N. withdraws from Katanga,

Tshombe will recall his deputies, new mercenaries will fly in, and the standard of revolt will be raised again. Had the U.N. and the United States convinced Adoula of the necessity of granting Tshombe liberal terms, it might have been possible to reunite Katanga and the Congo. This opportunity was missed. Consequently, the U.N.-United States Katanga policy is doomed to failure. It is unethical and it won't work. The Congo's chaos will be prolonged and differences between America and her allies exacerbated. Nobody wins by this except the Communists.

The United States clearly adopted its strong and illegal position regarding Katanga's secession in the hope of pleasing the Afro-Asian nations. In December, when flying to Katanga, I found myself in the company of a high, Washington-based State Department official with considerable responsibility for making American policy (he was not going to Katanga, but continuing on to Salisbury). Our conversation went something like this:

Question. "Why are we as a Nation supporting the suppression of Katanga?"

Answer. "The President has questioned almost every African leader who has visited Washington as to his views on Tshombe; all of them regard him as a stooge."

Question. "Have any of them ever visited Katanga or met Tshombe? Do any of them have any real knowledge of the situation?"

Answer. "Most of them don't know much about the situation, but they feel strongly about it."

Question. "What you're saying is that it's better for America to be popular than to act either morally or intelligently?"

Answer. "I wouldn't put it that way. We just feel that America should be in the mainstream on questions such as this."

Question. "But surely Washington must realize that there is no alternative to Tshombe in Katanga, that if you remove him and allow Leopoldville to set up a Baluba regime under Sendwe or to install a gauleiter, thousands will die?"

Answer. "Maybe. But that would be Africans killing Africans."

Question. "And that's desirable, is it?"

Answer. "It's better than white mercenaries killing Africans."

The role and responsibility of the United States in the situation is clear and heavy. The United States gave the U.N. its full diplomatic and financial support and it intervened in a military sense by providing air transport to bring U.N. soldiers from Leopoldville to Elisabethville during the fighting. It is customary for U.S. Government spokesmen to disavow responsibility for the U.N.'s acts in Katanga, to say that it does not make U.N. policy but loyally tries to carry it out. Yet during the December fighting, the United States made it quite clear under what terms a cease-fire could take place in Katanga. When Tshombe complied with those terms, he was flown to Kitona in an American plane and accompanied by an American diplomat. Obviously, the United States was calling a good percentage of the shots.

Why was the United States so eager to involve herself in the military suppression of Katanga, an act it must have known was illegal under international law? We have already mentioned the spurious fear of Gizenga and Russian intervention. It is worthwhile to ask why, if Katanga's independence so strengthened the Red puppet Gizenga and threatened a pro-Western Leopoldville government, Russia not only did not veto Security Council resolutions aimed at Katanga but vociferously supported them? The answer to this would seem to be that Russia realized from the start that a Red Congo was neither possible nor desirable. Marxist theory and Congolese realities do not coincide. As the London Times once put it, "the Russian debut in Leopoldville was unhappy, and the exile in Stanleyville little

better." What was both possible and desirable was chaos in the Congo, preferably prolonged for as long as possible. By refusing to pay for the U.N.'s Congo operation while encouraging the attack on Katanga, Russia was placed in the pleasant position of seeing the most stable and pro-Western portion of the Congo blasted by the U.N. at a cost of \$51 million a year to the United States and at none to herself. From the Russian point of view, this policy was infinitely successful in a larger sense in that it drove a wedge between the United States and the other 14 NATO powers, which, with the exception of Canada and Norway, either entertained serious reservations about America's Congo policy or were frankly antagonistic to it. This is not to imply, of course, that America's foreign policy should be dictated by its European allies. However, particularly in questions relating to Africa, an area where they have had so much more experience than we, virtually unanimous NATO disapproval of U.S. policy should have given Washington pause for serious thought.

Should Hammarskjöld have insisted on the entry of U.N. forces into Katanga? Legally it appears that he should not have done so. The United Nations was invited into the Congo by the Léopoldville Government. Tshombe repeatedly stated that he did not want the United Nations in Katanga, which by then had seceded from the Congo. To bring U.N. troops into Katanga on the basis of an invitation from the Congo was a clear violation of international law since it constituted intervention in recognizing that Katanga was part of the Congo. If it was necessary for reasons of world politics to break international law, then the United Nations should have established only a nominal presence in Katanga in the form of a small military force and a few advisers. In fact, the United Nations poured its military forces into Katanga, the only peaceful portion of the Congo, with the obvious intention of either overthrowing the lawfully elected regime or of imposing a political solution by force. The Security Council resolution of November 24, 1961, which rejected the independence of Katanga, was both a violation of the United Nations own charter and illegal under international law. In addition, U.N. representatives in Léopoldville and Elisabethville stretched even these mandates to the breaking point in their attacks on Katanga.

The September attack, badly managed and made in bad faith, was particularly indefensible. If the object was to arrest mercenaries, what purpose could be served by attacking and killing Katangan troops defending public buildings? Why were U.N. troops sent to arrest Katangan cabinet ministers, who could hardly be described as white mercenaries? As has been mentioned earlier, Linner apparently had no knowledge of the United Nations plan to attack, and it appears likely to O'Brien that Hammarskjöld did not. Why then did Khilari order the offensive? Since the United States pays about a third of the United Nations running costs (in 1961, \$22.3 million of \$64 million), finances half of the Congo operation (\$77.5 million paid or pledged so far; in contrast, only 88 of 104 members of the United Nations have paid their assessed share of the cost of the Congo operation), and is considering the purchase of \$100 million worth of U.N. bonds, the American people have a right to know the answer to this question. The United Nations, assuming that it had exhausted all avenues of negotiation, had more justification for attacking in December than in September since the freedom of movement of its forces was severely threatened by Katangan roadblocks. But once these roadblocks were cleared and freedom of movement between its various strong points reestablished, why did it feel compelled to launch air and mortar attacks on the center

of a city crammed with civilians and to attack industrial targets? Obviously, the only intention was to punish Tshombe and to force Katanga's political reintegration into the Congo, a goal achieved on paper at Kitona.

Yet last year a U.N. spokesman said the U.N. force had acted to end Katanga's secession on the request of the Central Government. On several occasions, the U.N.'s legal position was reaffirmed and explained to Tshombe by various U.N. representatives, including Ralph Bunche, who told Tshombe, in July 1960, that the U.N. force "has received strict instructions not to intervene in the internal policies of the country." Had Tshombe not trusted the sacrosanct nature of the Security Council's resolution and the statements of the international organization's representatives, he unquestionably never would have allowed the U.N. to enter Katanga.

The U.N. was right, both morally and legally, to come into the Congo. It had a great task to perform there, the successful completion of which would have reflected great credit on the organization. This was, first, to restore order, second, to secure the withdrawal of the Belgian forces from their Congolese bases (since their presence there, although legal, was no longer politically possible), third, to encourage the return of Belgian technicians and to replace those who would not return, and, fourth, to see that the economy and the social services continued to function. The U.N. was totally successful in the second instance and partially so in the first. It accomplished little in either the third or the fourth instances.

The U.N. recognized Katanga's position under international law in the Security Council's resolution of August 9, 1960. This asserted that the United Nations "reaffirms that the United Nations forces in the Congo will not be a party to or in any way intervene in or be used to influence the outcome of any internal conflict, constitutional or otherwise." The resolution of February 21, 1961, authorizing the "use of force, if necessary, in the last resort" to prevent civil war, does not and cannot affect this fundamental principle. Thus an action taken to secure the expulsion of white mercenaries cannot legally be used to impose a political solution on Katanga.

This was undeniably Hammarskjöld's interpretation of the situation. In a 4,000-word summary of the situation leading up to the entry of U.N. troops into Katanga in August, 1960, Hammarskjöld had this to say about Katanga's secession: "This is an internal political problem to which the United Nations as an organization obviously cannot be a party. Nor would the entry of the United Nations force in Katanga mean any taking of sides in the conflict to which I have just referred. Nor should it be permitted to shift the weight between personalities or groups or schools of thought in a way which would prejudice the solution of the internal political problem. I believe all this can be avoided if the United Nations maintains firmly its aim and acts with clarity and tact."

Unfortunately, the U.N. did not maintain its aim. It acted with neither clarity, nor tact, nor honesty.

On August 12, 1960, Hammarskjöld made an even more explicit statement when he said that the United Nations could "not be used on behalf of the Central Government to force the provincial government of Mr. Moïse Tshombe to a specific line of action."

How is it that a couple of hundred ill-trained and loud-mouthed soldiers of fortune of a dozen nationalities have been able to achieve so much more than thousands of American "mercenaries" have been able to accomplish in Laos?

In any case, the presence of mercenaries, military advisers, or whatever you choose to

call them, does not, in international law, constitute inspiration or support of rebellion by external powers. International law is quite clear on one point: When foreign assistance (in this case, United Nations troops) is obtained for the purpose of imposing a political solution by force that could not be reached by normal democratic means (elections or a plebiscite), such intervention is illegal. There can be little doubt in any competent observer's mind that a plebiscite in the portion of Katanga under Tshombe's control would overwhelmingly confirm secession. This does not mean that a feeling of Katangan nationality is widespread. Most Katangans, like most Congolese, still think of themselves primarily as members of a tribe. But there has been a growth of Katangan nationalism in recent months. Paradoxically, it is the U.N.—in seeking to destroy this—which has largely created it. The fighting in September and December of 1961 did more to create a Katangan nation in the minds of those simple tribesmen than a hundred Tshombes. Katangans—black and white—have fought and died in defense of their homes against the white and brown soldiers of the United Nations. Out of this suffering and blood and passion has been born a Katangan nation. It is ironic to think that if Tshombe is the father of Katanga, Conor O'Brien, Ivan Smith, and U Thant have been its midwives.

International law, which we claim is the foundation of our society and the only hope for a peaceful world, is quite clear on the question. It establishes that once rebels or secessionists have established themselves firmly in a definite portion of territory and have acquired a reasonably stable government of their own, a duty of nonintervention arises in their favor. These rights are not dependent on diplomatic recognition. Once the proscribed situation exists, the rights exist.

There is one important exception to this canon of international law. This is that the central government of a nation may request and receive assistance from other nations against its rebels if it can prove that the rebellion itself has been inspired or is being supported by external powers. This was the reason invoked by the U.N. when it went to the assistance of South Korea when it was invaded by North Korea in 1950. Eight years later, the United States again invoked this clause to move into Lebanon.

Although the U.N. has never formally stated that its intervention in Katanga is based on the supposition that Tshombe's rebellion is inspired from abroad, it has strongly implied this by the issue it has made of the presence of foreign mercenaries. Tshombe unquestionably made an important political mistake in recruiting mercenaries from South Africa and the colonial powers. This act damned him in the eyes of most African nationalists and gave substance to the allegation that he was no more than a white man's puppet. More recently, he has been equally unfortunate in the support given him by farout reactionaries and neofascists in Africa, America, and England. The U.S. Government, in particular, has used this fact to tar all those opposed to the U.N.'s actions in Katanga with the same brush. But Tshombe had no alternative to the former and he has no control over the latter. In August 1960, having dismissed the mutinous Force Publique, Katanga needed to create a new army. Had the U.N. not exerted immediate pressure on him to end Katanga's secession, the regular Belgian army officers on duty in Katanga would have been sufficient to train his gendarmerie. As it was, Tshombe was faced with the task of defending himself almost immediately. As a rebel, he was fighting not only for his own life but for his nation's existence. For this, he needed a trained force of men. So he hired mercenaries. Under the circumstances, he had to take them where he could get

them. As a result, he ended up with an army composed at least partially of white supremacists and neo-fascists. The fact that Tshombe's need for an effective military force coincided with the hatred of these men for the U.N. should not conceal the fact that Tshombe's support in Katanga, particularly the southern half of the country, is immense. He is, after all, the lawfully and popularly elected leader of Katanga. Had his regime been propped up only by the mining interests and a group of mercenaries which never even in the wildest dreams of the U.N. exceeded 500 and seldom in actuality amounted to more than a fifth of that figure, surely it would have toppled of its own weight under assault by U.N. troops in September and December of 1961.

As well as being unworkable, a solution imposed by force is unethical. Tshombe's government is far from an ideal one. But it does rule. It has maintained reasonable order, created a workable multiracial society, and kept the wheels of economic and social progress turning. In the 2 years of its existence, it has acquired most of the characteristics of a nation as understood by international law. The mere fact that Katanga seceded from the Congo gave the U.N. no right to crush it. The unity of the Congo was never more than a myth created and maintained by the Belgians. The loi fondamentale, setting forth the unity of the Congo, was only a provisional constitution that has yet to be ratified by the Congolese National Assembly. Most of its other clauses have been violated by the Congolese themselves, so it seems strange that the U.N. should insist that the clause referring to the unity of the Congo is sacrosanct.

In addition, the secession of any one of a nation's parts from the whole is recognized by international law as the internal affair of the nation involved. Had the U.N. existed two centuries ago, would it have been right for it to prevent the secession of the Thirteen American Colonies from Britain or that of the South American nations from Spain and Portugal? More recently, would it have been right to prevent Norway's secession from Sweden and the excision of Northern Ireland from Eire? What about the division of Imperial India into Pakistan and the Indian Union? Was Syria wrong to secede from Egypt? Were France and the Indochinese wrong to split Indochina into four nations? In Africa itself, were France and the Africans wrong in 1958 to divide two great territories, French West Africa and French Equatorial Africa, into 12 separate and independent nations? Was Senegal wrong to secede from the Mali Federation in 1960? Should U.N. troops have been used in each of these instances to impose an unwanted and impossible unity? The answers to these questions must be in the negative. Were the U.N.'s actions in Katanga just and logical? Were they calculated to promote the establishment of law and order locally or to preserve world peace? Equally certainly, the answer to these questions must be in the negative.

ANNIVERSARY OF DEATH OF CASIMIR PULASKI

Mr. DODD. Mr. President, during this week, the 187th anniversary of the death of Casimir Pulaski will be observed throughout the Nation. It is fit and proper that this day be noted in the Senate of the United States which owes so much to the devotion, self-sacrifice, and idealism of that great Polish patriot in the American Revolutionary War.

It is not without significance that the Pulaski family gained its first fame as revolutionaries against the Russian oppressors of Poland. Initially successful

in his uprising against Russian brutality, Pulaski eventually was defeated; he was stripped of his position, wealth, and future. Looking about the world for other places where the fight for liberty could be taken up again, he saw the American Revolution. He came to America where he offered his services to General Washington.

He was substantially responsible for the formation of the first cavalry units during the Revolutionary War, commanding the cavalry during the winter of 1777 at Trenton and later at Flemington. Acting in unison with Gen. Anthony Wayne, he scouted for supplies to feed the starving troops at Valley Forge.

Pulaski's exploits in the field were not always successful. Often deprived of victory by betrayal, insuperable difficulties, and unforeseen circumstances, he yet made an invaluable contribution to the cause of American independence.

Pulaski gave his life for our country when he was killed while leading a charge of cavalry against enemy lines during the siege of Savannah.

There is no record to show where he was buried; some reports say that he was interred beneath the oaks of St. Helena's Island; others claim that he was buried in Greenwich, Ga., or at sea, from the cruiser *Wasp* where he had been carried after he was wounded.

In the perspective of history, it does not matter where his body lies, for his memory is firmly enshrined in the hearts of all who love freedom. To those Americans who are of Polish ancestry, Casimir Pulaski will always be a symbol of Polish and American gallantry and patriotism; to those whose ancestors came here from other countries, Pulaski is a reminder that once men came from the Old World to the aid of the New, to help establish the greatest of all democracies and the hope of all mankind.

COLUMBUS DAY OBSERVANCE

Mr. DODD. Mr. President, since the 400th anniversary of the arrival of Columbus was celebrated in America 70 years ago today, the custom of observing Columbus Day has spread to an increasing number of our States; indeed, Columbus Day is observed not only in the United States, but also in many of the Latin American Republics, and in a number of cities and towns in Italy and Spain which can claim some historical association with the great discoverer.

The observance of Columbus Day on October 12, of course, is more than the mere commemoration of the arrival of Columbus on the shores of the New World. In a larger sense, Columbus Day reminds us of the arrival of Western civilization on this side of the Atlantic Ocean, of the continuation of Europe in the New World, rejuvenated and infused with new ideas of justice and liberty which found receptive ground in the virgin soil of America.

Those Americans who are of Italian ancestry will, of course, take special pride in Columbus, because he brought much of what was best in Europe to these shores. Yet it is important to remember that his dreams of an *el dorado* encompassed all mankind; that his

visions of a great adventure were justified by the centuries.

For in the 470 years that have elapsed since Columbus set foot on this continent, America has been a great adventure for all who came here. Liberty is an adventure; democracy is an adventure; hard work to build a future is an adventure.

Today, our way of life, our experiment in the art of peaceful cooperation between men and nations, face the challenge of a new tyranny, more powerful and more dangerous than the tyrannies of old. Thus the seeds of liberty which were brought to these shores must be returned to the Old World, to take root, to bloom once more where the great adventure of democracy has been abandoned.

It is in this sense that we observe Columbus Day this year. Let us hope that the plant of liberty which so well flourishes here may in God's own time thrive wherever men of good will live on this earth.

THE FORGOTTEN PEOPLE

Mr. DODD. Mr. President I commend to the attention of my colleagues and of the American people a book that has recently been published under the title "The Forgotten People."

The book tells the story of the hundred million people in Central and Eastern Europe who have been enslaved by Soviet imperialism since the close of World War II. It is written by Seymour Freidin, executive editor for foreign news at the New York Herald Tribune, who reported on Eastern Europe for nearly 20 years for his newspaper and who was an eyewitness to the Soviet takeover in these countries and to the total destruction of human freedom under the Soviet quivering regimes.

Mr. Freidin has been called "one of the most honest and perceptive of all foreign correspondents"—a description, in my opinion, which he has amply merited.

It is appropriate that we should read this book because it was largely because of the blundering politics of the great Western Powers that the peoples of Eastern Europe are today in thrall to Soviet despotism.

It is imperative that we restudy this tragic period in history and learn the lessons of the past, because only in this way will we be able to avoid repetition of the blunders that led to the enslavement of the Central European peoples.

This is not a pleasant book to read. It is a book made up of many tragedies, in each of which our folly and guilt loom large. But it is not a pessimistic book. It tells the story of the unrelenting fight for freedom that still goes on behind the Iron Curtain, the story of the unconquerable spirit of man. It makes the point that the forgotten peoples of Central Europe are our staunchest allies and the most effective deterrent to Soviet aggression.

And, it holds forth the hope that, with proper support from the West, the flags of freedom will again be unfolded in the lands of Central and Eastern Europe.

A NATIONAL STANDARD FOR EDUCATION

Mr. MANSFIELD. Mr. President, on behalf of the junior Senator from Florida [Mr. SMATHERS], I ask unanimous consent to have printed in the RECORD at this point a statement prepared by himself, presenting for printing in the RECORD an address entitled "A National Standard for Education" delivered by Vice Adm. H. G. Rickover, USN, at the 28th annual meeting of the Southern Governors' Conference, at Hollywood, Fla., on October 3, 1962.

There being no objection, the statement by Senator SMATHERS and the address by Admiral Rickover were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR SMATHERS

The 28th annual meeting of the Southern Governors' Conference held in Hollywood, Fla., was privileged to hear an address delivered by Vice Adm. H. G. Rickover, USN, entitled, "A National Standard for Education."

Admiral Rickover, as we all know, is recognized for the invaluable contribution that he has made in the field of nuclear physics and is one of the outstanding scientists in the country today. He has expressed deep concern over the quality and standard of our educational system.

Admiral Rickover's remarks, dealing with the inadequacy of our educational system today to meet the needs of tomorrow, make a valuable and thought-provoking contribution that merits the attention of all of us.

A NATIONAL STANDARD FOR EDUCATION

(Address by Vice Adm. H. G. Rickover, USN, at the 28th annual meeting of the Southern Governors' Conference, Hollywood, Fla., Wednesday, Oct. 3, 1962)

May I express to you, Governor Bryant, my sincere appreciation for inviting me to address this distinguished audience. It is an honor and indeed a great pleasure to be here.

I presume you are as deeply concerned, as am I, with American education and as desirous that it be the best that can be devised. There is overwhelming evidence that our children do not receive a good, still less the best possible, education. So the question arises: "Why not?" There are many reasons and I have spoken elsewhere at length about them.

We have a philosophy of education that simply does not work, an educational establishment that has too many administrators and researchers who boss the teachers, and teachers whose educational and professional qualifications are inadequate: these are but a few of the causes of low academic achievement. Underlying all of them, accentuating and perpetuating them, is our lack of a national scholastic standard. This renders our schools highly susceptible to the strong pressure toward mediocrity that is present in any system of mass education. It also makes reform difficult and, if accomplished at all, likely to come about in a piecemeal fashion that will increase the already very great geographic inequalities that characterize American education.

It is to this defect and the urgent need to remedy it that I would like to address my remarks.

American schools and diplomas have always been qualitatively of the most amazing diversity. This was probably unavoidable in earlier times when Americans were still engaged in subduing a wilderness. Different parts of the country were then at different stages of development. And, of course, education reflects the state of culture. High culture comes when the material necessities of life have been provided for. Education

was bound to be better in the long-settled communities along the Atlantic seaboard than in pioneer country.

Today 70 percent of us live in urban communities, and technology has brought culture to the remotest farm. A child's educational needs are now the same whether he goes to school in Florida or California, in Wisconsin or Connecticut. Every American youngster must have knowledge of the basic subjects: of language, mathematics and science, of government, geography and history—all up to the highest level he is capable of achieving. Every child has the same need for development of his intellectual capacities so he will be able to reason logically and understand the complex world in which he lives and the public issues on which as a democratic citizen he is called to express independent and rational opinions. All our children need a good basic education to qualify them for the kind of jobs a highly technical society provides. Less and less will there be rewarding work in this country for the uneducated, no matter where they may live.

Is not the need for this knowledge and this skill the very reason why we have a public school system? We support it with our taxes because parents have neither the time nor—with rare exception—the competence to develop their children's mental capacities and guide them to intellectual maturity. As I have often stressed, schools that have our children in their care for but one-sixth of their waking hours—no more than the average child spends sitting before the TV screen—such schools cannot perform this task properly if they dissipate their energies on matters that can be done elsewhere. Education directed to the mind cannot be obtained anywhere else except in schools, colleges, and universities. These must therefore be judged by the competence with which they perform this all-important task.

I readily admit that as places for fun and games American educational institutions are unsurpassed in the world. But what concerns me is their performance in the intellectual field; what I call the school's technical task. It is just here that American education fails to live up to the needs of our society. It is here that there is too much scholastic inequality within our country. It is here that our competitive positions vis-à-vis other advanced countries is unsatisfactory.

How is this possible when we pour so much money into education; when we offer it so generously to so many of our children? For over a century we have been committed to the ideal that no American child should be denied an education because his parents were too poor to pay school fees. We set ourselves this ideal early in our history when we had no illusions of superiority; when we knew we were educationally backward. In many continental countries free universal and compulsory elementary education had long since been established. We did not attain even this until just after World War I, 200 years later than parts of Europe. But we were not content with merely catching up; we wanted to go Europe one better. We wanted secondary and even college education to be tuition free so our children should meet no financial bar in their climb to the very top of the educational ladder. This is what we then meant by "democratic" education, and that is what it really is.

Alas, our splendid ideal has foundered on the shoals of educational misconceptions about "democracy" and "education." Adherents of the progressive theory of education, in particular, have confounded "ability to pay" with "ability to learn," as when one eminent educator declared that we were unalterably committed to undifferentiated, comprehensive common schooling which, said he, "will unite in one cultural pattern the

future carpenter, factory worker, bishop, lawyer, doctor, sales manager, professor, and garage mechanic." Indeed you can keep children of widely varying mental capacities, motivations, and educational objectives together in a common core program, but this is not education.

A child's—or his parent's—ability to pay for schooling is a removable bar to education; the child's inability to learn is an irremovable bar. Many a poor child is gifted, many a rich child is stupid; either child may be industrious or lazy. It is the giftedness or stupidity, the industriousness or laziness that ought alone to determine the educational levels a child may attain. When you eliminate "ability to pay" you get educational democracy; when you eliminate "ability to learn" you get noneducation.

In the past, when the "common school" of America served simple rural communities, we could tolerate keeping children of varying aptitudes in one schoolroom. The school did not extend beyond the primary years during which the subjects taught were elementary. These elementary subjects can be mastered by every normal child, though at greatly differing rates of speed.

In the small red schoolhouse a skilled teacher could manage things so that the fast learner progressed fast, the slow learner progressed slowly, without seriously interfering with one another. But as soon as you move beyond the elementary level, differences in aptitude create a situation where what the bright can and should study becomes incomprehensible to the average student. Each year the gap widens between children with varying intellectual capacities.

Between the two extremes of intelligence in a representative group of children, the gap in mental age will be almost 6.5 years in the sixth grade; even if the top and bottom 2 percent of the intelligence range is eliminated, the gap will still be over 3 years. Worse still, the gap in achievement levels is even greater; by age 11 children it may be 8 years.

Pleasantly democratic as comprehensive schooling may seem, when continued into secondary education it does justice neither to the fast nor to the slow learner. Nor is there anything democratic about automatic promotion and the handing out of unmerited diplomas. If a child is promoted before he has mastered a prescribed grade course, he will only seem to be moving up the educational ladder. In reality he will be standing still on the same rung, but this is camouflaged by educational terminology.

A child that is handed a high school diploma when he cannot yet read and write with ease and dexterity, has not really received a secondary education. True, he has been kept at school more years and his school has a different name but he has not mastered more than an elementary program. He hasn't even mastered that well. As for the high school diploma he carries away, this has necessarily shrunk in value so that in many cases it represents no more today than did grammar school graduation half a century ago.

Even as we have made higher education available to more children by eliminating fees, so we have taken away with one hand what we have given with the other. By not requiring so-called higher education and its diplomas to meet a fixed national standard, we have brought them down to what Dr. Robert B. Davis, of Syracuse University, so aptly terms "creeping lowest denominatorism." In the absence of a standard, our diplomas and degrees have inevitably suffered the fate of paper money that is not backed by gold bullion. As indicators of a student's educational accomplishment, the degrees "aren't worth a continental." You have to look up the institution that issued them and the course for which they were granted in order to evaluate their academic worth.

In this they are as different as can be from diplomas and degrees abroad which must conform to a national standard, and this whether they are issued in countries with a centralized or with a decentralized system of education. The irony is that our educational ideal has been adopted abroad where it is now being rapidly realized and realized better than here. For there scholastic standards have been retained. The "higher" education now attainable by children in Europe, either at no cost, or on scholarship, or for very small fees, is as good or as "high"—academically speaking—as it ever was. This important point is always overlooked when quantitative comparisons are made between American and European education. We go by labels and we do not inquire what the labels stand for.

Naturally we have more children with college degrees, since we hand these out for intellectual work that nowhere else in the world is held to be of "academic standard." What other country grants master degrees for trailer park management, bachelor degrees for domestic science, or doctorates for thesis work on "Field Hockey in American Education With Special Emphasis on the Colleges of the Northwestern United States"? It is as if we had decided to print enough money to give every child a million dollars upon graduation from high school and then declared proudly that we had become a nation of millionaires.

Apologists often argue that in as populous a nation as ours you cannot have a national scholastic standard. But size has little to do with this. There is greater degree equivalence among the advanced countries of the Continent than exists within our country, yet they are politically divided and we are not. Taken together they are as heterogeneous and as populous as we. However, no country abroad wants to fall behind, so each informs itself on what goes on educationally in neighboring countries and makes certain its national standard is up to par. I should like to see a similar thing happen among the several States of the American Union. This kind of competition is altogether good, and the beauty is that it does not cost more to have good education than mediocre life-adjustment training. The latter, in fact, requires more expensive equipment. For the money we spend on some of our educational palaces with their swimming pools, model kitchens, workshops, athletic fields, etc., we could get first-rate teachers and put them to work in simple buildings, and you would be surprised at the results.

As a practical man I judge educational enterprises by their products. Thousands of these products pass through my hands and those of my leading scientists and engineers when we interview young people who apply for positions as designers and builders of nuclear reactors, or as officers and men to operate our nuclear ships. I find the percentage so qualified to be deplorably small. Even the best have lacunae in their education that you would not find abroad among persons of comparable intellectual stature. We run schools for reactor technology where we have to teach many basic subjects which in other advanced nations already have been taught at school.

A new engineering project, such as development of nuclear power, is a good touchstone for a modern educational system. It calls for mental qualities that are in wide demand in all parts of a highly developed industrial society. Flexibility and toughness of mind, in particular; the ability to emancipate oneself from routine, and to pioneer new ideas; the capacity to think "professionally," as I call it, that is to view problems in a scientific spirit that disregards personal predilections. This latter quality has become scarce since the schools went over to life-adjustment training, with its emphasis on conforming to one's "peer" group. We

badly need people who in their fields of special competence will stick to principle; people who will not compromise technical or professional judgment in order to "get along" with administrative superiors or to gain popularity.

To sum up: the overall level of general and specialized education in this country is far too low for our needs, both as individuals and as an industrial democracy.

We are plagued with serious deficiencies in virtually every class of occupation that makes demands upon a person's general and specialized education, whether it be at the level of the "learned" professional, the semi-professional, the skilled craftsman, or the technician. Despite our enormous and costly educational establishment, this country has more functional illiterates than most other industrially advanced nations. We have more people who do not possess minimum knowledge of the elements of language, mathematics, history, and geography than are considered part of elementary education in advanced European countries and which every normal person there appears to absorb at school. Recently, the Army published the fact that 25 percent of draftees were unqualified to be modern soldiers—25 percent of a cross section of young America. In most cases the deficiencies were mental. In Switzerland, where every male does military service, the rejection rate is about 7 percent. Swiss standards for draftees are certainly no more lenient than U.S. Army standards. I refuse to accept this appalling difference between rejection rates of 7 percent and 25 percent as reflecting on the intelligence and educability of American youth. I blame American schools for this.

Compared to other advanced countries, American education is extremely inefficient. It wastes an inordinate amount of time and costs the taxpayer tremendous sums of money. For lack of an accepted standard, there is poor articulation between one grade and the next, between one school and the next higher. Repetition is inevitable when promotion is automatic. Teachers cannot at the start of the school year count on children in the new class having completed a prescribed course of study in the preceding grade. And so our schools cannot have the orderly sequence of carefully planned curriculums that makes European education so efficient; where each year builds on what has been learned before and there is no needless rehashing of the same subjects nor any gap in knowledge that might hinder orderly and rapid educational progress.

We have a fantastic stretchout in education. It takes average American children 12 years to reach achievement levels their counterparts on the Continent attain in a little over 8. The American bachelor degree comes at the end of 16 years of schooling, the continental degree at the end of 12 to 13. At that, continental holders of the baccalaureate are better educated than the majority of American college graduates.

The slow pace of American education harms all our children. The less able get discouraged and drop out before they have ever acquired what abroad would be considered an elementary education. As late as 1958 a quarter of our youth quit school at the end of the 10th grade or earlier, and 10 percent quit at the end of the 5th grade. Only half our children obtained a high school diploma. A decade earlier the situation was worse. Well over half dropped out with less than 10 years schooling; one quarter with no more than 5 years; and only a third completed high school. Those who did not stay on through high school received less basic schooling than has long been required of all continental children, whose attendance during the compulsory period is virtually 100 percent. In consequence we still have 8 million "functional illiterates"

while parts of Europe have been wholly literate for a century, in some cases for a century and a half.

Educational inefficiency wastes the best learning years of our talented youth and contributes mightily to shortages of "professionals," men and women with fine minds and high educational qualifications without whom no modern nation can function properly. As you all know, we have a chronic teacher shortage we seem unable to overcome. It is aggravated by the educational stretchout for, since it takes American schools longer than necessary to attain a given scholastic level, we need proportionately more teachers. We have a serious shortage in medical personnel. Currently, we are trying to lure nurses from Canada. We import almost a quarter of our physicians from all parts of the world since each year we graduate only three-quarters of the number we require. Despite all our efforts to encourage more young people to enter engineering, our deficit grows year by year. We need 72,000 new engineers annually but graduate only 45,000. The Russians graduate three times that many and their engineers are competent. Former Secretary Ribicoff warned that we were coming dangerously close to a point where the balance of brainpower in this important area may tip decisively against us.

Observe how the stretchout contributes to our doctor shortage. Because of it Americans must put in three or four extra years before they graduate medical school. Mind you, these are not years added to their professional education; they will not make them better doctors. Those years are the result of educational inefficiency, pure and simple. They are required because it takes that much longer to reach the bachelor degree in this country. You can figure for yourselves how much these needless years add to the expense of becoming a physician. Since in this country 80 percent of the cost of a medical education must be borne by the student, the school stretchout will inexorably bring us to a point where only children of the rich can afford to become physicians. Even today families with incomes under \$5,000 supply only 14 percent of our medical students, yet these families make up 50 percent of the population. As a result, the number of applicants to our medical schools is currently decreasing, yet with a soaring population we need more doctors.

The same shortages plague us in skilled labor. We have too few skilled and too many unskilled workers; exactly the reverse of the situation that exists in Europe where many countries are scouting as far as the Near East to find unskilled laborers. Switzerland has to import virtually all she needs in this category—she produces almost no unskilled workers herself. England's working force is 50 percent skilled, 12 percent semi-skilled. Russia has a tremendous training program for technicians. Her technicians annually graduate 250,000 engineering technicians alone; we graduate 16,000.

Educational inefficiency hurts our children and it hurts the Nation. It also makes ours the most expensive school system in the world. We spend more money to carry a child to a given level of scholarship than any other country. This is a serious matter, given our very rapid population growth—almost three times more rapid than in most European countries. In the last 10 years State taxes have doubled, I believe, with education accounting for most of the increase. Can we just go on that way? According to the 1960 U.S. Statistical Abstract, the average cost per pupil in 1900 was \$16.67; in 1956 it was \$294.22; it has risen much higher since then. Some States now invest over \$500 per pupil each year. Even making allowance for the shrunken value of the dollar the educational results are hardly commensurate with this enormous increase in cost.

There is a limit in free societies, no matter how relatively affluent they are, beyond which people cannot be made to sacrifice, especially when those who proportionately pay most quite often get the smallest personal benefit. Some school districts are approaching the point where no more taxes can be wrung from the populace. It is becoming increasingly evident to thinking Americans that the problem of oncoming enrollment increases cannot be met merely by raising school taxes ad infinitum; we must also make a major effort to obtain a greater yield in genuine education for our tax dollars.

What, then, is to be done to improve American education? Well, local communities and State governments have the power to increase the amount of classroom instruction per school year. We have the shortest school day and school year among leading nations. They could eliminate from curriculums everything that can be learned elsewhere. We are the only advanced country where precious school hours are wasted teaching children how to make fudge, swirl batons, drive cars, budget income, handle the telephone, catch fish, and become "likable, lovable, and datable." They could improve teacher qualifications, bringing them up to the level existing abroad, and they could then put the educational enterprise under the supervision of our best teachers, giving them the necessary clerical and administrative assistance. Abroad, where teaching is an honored profession, no one would dream of putting nonteacher administrators in charge of schools. We are the only country where teachers are bossed by educational administrators who often as not can lay no claim to scholarship, superior intelligence, or higher education, and who may not have had experience in classroom teaching. Ex-athletic coaches are often made school principals, incredible as this may seem.

These suggested steps indicate the direction in which we must move. A few communities alert to the problem have begun to act, but progress is still extremely spotty. Of course, it is encouraging that Caltech now gets highly qualified students but its freshman class numbers only 182. The raising of admission standards in the Ivy League colleges has had a most salutary effect on bright high school students who all of a sudden realize that a good education requires exertion. But the Ivy League colleges enroll fewer than 1 percent of all our college freshmen. One can easily be fooled by enthusiastic press reports about this or that innovation which supposedly will at one stroke raise education sky high. "From kindergarten to college in 5 years," the advertisement for one mechanical gadget promises. I do not think our deep-seated educational deficiencies can be overcome that easily; on the contrary, quite extraordinary effort on the part of the public, of parents and of public officials will be needed.

Specifically, I am convinced we cannot put through a really effective reform program unless we set up a national scholastic standard—a permissive standard, of course—but nevertheless potentially a great influence for good. Many countries have, at one time or another, discovered their educational systems to be unsatisfactory. I know of none that has been able to carry out speedy reform without making use of some such standard. Indeed we are the only advanced nation without a national scholastic standard.

Now the word "standard" has many connotations. I use it in the sense that comes first to mind: a specific requirement or level of excellence deemed worthy of esteem or reward. Not a law enforceable in the courts; falling below standard does not put one in jail. Nor a conventional rule imposed by

society; failure to meet the standard does not get one socially ostracized. No one has to live up to the standard. It is simply an optional criterion for determining the value of an act or accomplishment. For those who accept the standard it becomes the yardstick by which the worth of these acts or accomplishments is determined.

I do not share the pride our educationists take in the fact that we are the only leading nation with a school system that does not challenge its children to meet a national scholastic standard in order to receive academic rewards. I do not agree with them that children must not be "judged"; that each child has a right to "equal education and equal status"; hence that, as one superintendent of schools put it, "straight thinking and democratically minded school administrators" will hand out the same diploma, "regardless of the variation of high school courses and the range of scholastic achievement that are presented by the graduates as evidence of accomplishment." I think this educator misreads the whole purpose of academic certificates when he notes with approval that: "No longer does the diploma in its wording discriminate among the graduates, as was once the case when it carried the name of the course in which the student went through school, consequently implying that the accomplishments of the youth who did not take the highly academic lane were less worthy."

Nor do I share educationist concern that children who do not measure up to a standard will suffer pain and lose face. I suggest we set up a standard for different levels of aptitude, but in each case representing not the "average" accomplishment but the "highest" level children of this ability can with effort achieve.

All of life is a series of tests. Young people will be better able to take these tests in their stride if at an early age they begin to learn that everything worthwhile requires great effort but that the satisfaction derived from attaining a standard makes effort worth while. Given the wide differences of aptitude with which we are born and which we do not know how to alter, is it not good for young children to discover that some goals are beyond their capacities; that they cannot win all the tests? It is better to know one's limitations, as well as one's capacities, than to live in delusion which life sooner or later will rudely shatter.

Every American wants the best for the children of our country. In education the best we can give them is the chance to stretch their minds and reach the highest goal their intellect can encompass. "Democracy," wrote the late Dorothy Thompson, "is not to be conceived of as an invitation to share a common mediocrity, but a system that allows each to express and live up to the special excellence that is in him."

Last May, in testimony on English education before the House Appropriations Committee, Chairman CLARENCE CANNON asked me by what means I thought Congress might help to speed educational progress. I suggested that a National Standards Committee be created. This would be a small committee composed of men of national stature and eminence—trustworthy, intelligent, scholarly, and devoted to the ideal of an American education second to none. The committee would have two tasks:

The first would be purely informational, it would act as an educational watchtower announcing danger when it saw it approaching. The members would keep under continuous scrutiny, and periodically report on the state of American education. Does it meet the needs of our times? Is it competitive with education in countries at similar levels of culture and technology with whom we compete economically, politically, or militarily? How do American children compare in academic knowledge with chil-

dren in Europe or Russia, say at age 12, or 16, or 18; taking, of course, into consideration different ability levels?

The committee's second task would be to formulate a national scholastic standard on the basis of its findings; a standard which would make us internationally competitive and would also respond to our specific domestic needs. The committee would do this by means of examinations set at different ability levels. No one would have to take them, but those who passed would receive national accreditation. The committee would in no way interfere with established institutions now granting diplomas or degrees. It would simply set up a higher standard, offer it to anyone who wished to meet it, and certify those who had successfully done so.

Neither the committee's informational nor its standard-setting function would represent a radical departure from established practice. Many Federal agencies collect and distribute information. We need a disinterested agency to tell us the unvarnished truth about the true state of American education. The committee would help prevent complacency and illusions of superiority and thus save us from the kind of painful shocks that Sputnik and other evidence of Russian scientific proficiency have given us in the past few years. There is precedent, too, for the committee's setting of permissive national standards. We have something very like it in last year's amendment to the 1956 Water Pollution Act.

This amendment authorizes the Federal Government—if so requested by a State—to research and develop new methods of pollution control and to award grants-in-aid to localities and States wishing to use these federally established methods. In principle, you have here a national standard very much like the scholastic standard of the proposed committee, in that it is not imposed but merely offered as a service on a take-it-or-leave-it basis.

In both cases, we face a problem that cannot be solved by local and State authorities alone but requires some assistance from the Federal Government. Population growth threatens us with a severe water shortage unless we devise better means to preserve the quality of our water resources so that they may be used over and over again. Pollution abatement has therefore become a national problem and we accept a new kind of Federal aid. I believe improvement of the quality of American education is at least as pressing as the need for an assured supply of clean water. "Education," says the Ford Foundation report for 1959, "is now the indispensable medium for survival and progress." Education is so basic to the quality of our national life that by steering it in the right direction we can change America's future; we can make it secure. To steer it right, I believe we need a new kind of Federal aid—the kind of aid that the proposed National Standards Committee would offer.

I hope I may convince you that it would be entirely proper and extremely useful for us to have such an agency. Let me make it crystal clear that nothing in my proposal would violate the constitutional separation of power between Federal and State Governments, nor go counter to our tradition of control of schools by the local community. I envisage the rendering of a service, not regulation in any way, shape, or manner. The proposed committee would not usurp the functions of any existing institution.

Its job would be to draw up national examinations going deeply into a candidate's true knowledge and intellectual caliber—not IBM graded multiple-choice tests. I suggested to the Appropriations Committee that we might well model them on the English national examinations which come at three levels and which offer many subject

tests. Students choose the number of subjects and the level at which they wish to be examined. This is marked on their certificate which will list their so-called "passes."

Our committee might provide one set of examinations at the level appropriate for a high school graduate who aspires to enter a first-rate college; another set of examinations at the level of students who may wish to prepare for a semiprofessional or technician's job not requiring a bachelor degree but still requiring a good high school education. Still another for graduates of various types of colleges, especially those bound for the teaching profession. I stress again that no one would need to take these examinations; but those who did pass them successfully would obtain national certification; perhaps the notation "NS"—national scholar—stamped on their regular diplomas or degrees. The seal would clearly indicate what the holder had achieved. There are many occasions when admissions officers of higher educational institutions or prospective employers have a valid reason for wanting to know what an applicant's scholastic qualifications actually are. Think how much time and money would be saved if the diploma were clearly to indicate this. Everywhere abroad it is taken for granted that academic degrees conform to a specific standard—a standard known to everyone. Setting the standard is not regarded as government intrusion or tyranny but as a welcome service to students, their parents and the taxpayers who pay for public education.

Everyone benefits when there is a standard. At one stroke it does away with misleading educational labels so that any layman has the means to judge whether a school or college is doing its job properly. By offering the reward of a certified diploma to our children many who now drift through school would be encouraged to aspire to higher academic goals. You can't expect children to study hard subjects such as mathematics, science, and languages when next door others are effortlessly accumulating equal credits by easy life-adjustment courses in "family life." It surely isn't "undemocratic" to reward those who exert themselves with a diploma that takes note of their accomplishments. This is what certification by a National Standards Committee would do.

There is no question in my mind that a large sector of the American people wants better education. Public interest has grown tremendously. In the recent primaries for election of a superintendent of the Los Angeles schools there was almost as great a voter turnout as in the primaries for Governor of California. The news media now give much more space to educational matters than was the case but a few years ago. Every time I speak or write on education I receive a tremendous number of letters.

What strikes me in these letters is the sense of individual helplessness they reflect. Individually, my correspondents have long known that education must be drastically reformed but they don't know how to induce government to act. The very size of our Nation alienates government from the individual and accounts for much of the apathy for which the people are frequently castigated. Yet so often they can find no one in government to supply the leadership that is needed to carry out their wishes. Especially when this requires tackling so powerful a lobby, on the local and on the national level, as our educational establishment. People like myself can try to bring the truth to the public so that it may be able to reach a consensus—and this I believe has now been accomplished. Enough people want school reform to warrant government action. Now it is to men like yourselves who have been elected to positions carrying the power to act that the ball must be handed. I think this country has reached a stage where public education calls for a

partnership of local, State and Federal authorities, each having its particular service to offer. Any determined reform effort—be it at the local or State level—would in my opinion be greatly helped if we had a National Standards Committee. The permissive character of the committee's activities would introduce into public education a needed element of choice. It would leave untouched the status quo for those who are content with it. At the same time it would provide facilities for people who prefer to set themselves a scholastic standard well above current achievement levels.

The Spanish philosopher, Ortega y Gasset once wrote a book around the thesis—to quote him—that "there is no doubt the most radical division it is possible to make of humanity is that which splits it into two classes of creatures: those who make great demands on themselves, piling up difficulties and duties; and those who demand nothing special of themselves, but for whom to live is to be every moment what they already are." I read this as a young man and it impressed me deeply. And all my life I have unconsciously judged people and institutions by whether or not they set themselves a standard; whether they measure themselves against a criterion that requires effort because they deem it worthy of effort.

Let us in education as in everything else heed Jefferson's advice, to "dream of an aristocracy of achievement arising out of a democracy of opportunity."

IMPROVEMENT OF LAND TENURE

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Indiana [Mr. HARTKE], I ask unanimous consent to have printed in the RECORD at this point a statement prepared by him regarding Public Law 87-798, dealing with improvement of land tenure in the United States.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR HARTKE

On October 11, 1962, President Kennedy signed into law S. 3387—legislation which strikes a solid blow in favor of improved land tenure in the United States. It is now Public Law 87-798. I am delighted to have been able to join with my good friend and distinguished colleague, the senior Senator from Minnesota [Mr. HUMPHREY], in support of this legislation, now a reality.

This law, besides improving land tenure, also alleviates some of the pressing credit problems faced by many of our farmers.

Public Law 87-798 increases from \$150 million to \$200 million, the amount of farm loans insured by the Farmers Home Administration each year. These insured loans are made for farm ownership and water development and soil conservation purposes.

The insured loan program like those of the other credit services provided by Farmers Home Administration helps farm people earn a better living and live a better life. Past experience clearly shows that this agency has helped many family farmers pull themselves up by their bootstraps, helped them recover from economic reverses, helped them successfully fight the relentless battle of the price-cost squeeze, helped them adopt modern farming practices, helped them to become owners of a place of their own. Through Farmers Home Administration help, these family farmers have been able to earn enough income to properly feed, clothe and house their families and educate their children. In all of this agency's programs the focal point of its activity is the welfare of the people it serves.

Insured farm ownership loans are made to eligible farmers to enlarge, develop and

buy farms not larger than family farms, and to refinance debts. Tenant farmers and sharecroppers may obtain these loans to buy farms of their own. Owners of small farms may purchase additional land to broaden their farm resource base and to increase the volume of their operations. Owners of family farms may use the loans to develop their farmland and improve their homes and other buildings.

Insured soil and water loans are made to eligible individual farm owners and tenants and to groups of farmers and rural residents to develop water supply systems for irrigation, household and livestock use, to drain farmland and to carry out soil conservation measures. Borrowers may obtain these loans to drill wells, purchase irrigation equipment, acquire a water supply or water right, build ponds and canals for irrigation, and to dig ditches and install tile to drain farmland. They may also receive these loans to carry out basic land treatment practices, expand forestry practices, establish permanent pastures and to carry out erosion control measures.

Groups of farmers and rural residents, operating on a nonprofit basis, may obtain insured soil and water loans to install or improve rural water supply and distribution systems that furnish water for home use and fire protection. Many of these loans are now being made to farmers and residents who, because of low rainfall or the type of land formation in their area, are unable to use individual wells to provide adequate supplies of sanitary water. Their only solution lies in grouping together and installing a community type of water system with water reservoir and treating facilities. In my State of Indiana alone, \$1,232,500 in these water association loans were made in the past fiscal year.

Through the insured loan program private investors provide the funds to help eligible farmers and the Government guarantees repayment with interest. Insured farm loans are made and serviced by the Farmers Home Administration. The investor may furnish the funds either at the time a particular loan is closed or he may purchase insured notes on loans previously made by the Farmers Home Administration out of a special fund.

Each loan is scheduled for repayment in accordance with the borrower's ability to repay, over a period not exceeding 40 years. The Farmers Home Administration collects the principal and interest payments when due and forwards the receipts to the lender after retaining one-half of 1 percent for insurance. The interest rate charged the borrower varies from 4½ to 5 percent depending on the type of loan. Insured farm ownership and soil and water loans to individual farmers may not exceed \$60,000. Insured soil and water loans to groups for community water systems and other uses may not exceed \$1 million.

Administration of this program is quite simple. Mortgages for insured loans run to the Government. The lender holds only the insured note. He agrees to hold it for at least 3 years but may easily assign it to another investor at any time.

These loans do not compete with credit provided by other lenders. Only farm families unable to meet their credit needs through conventional sources of credit in their community are eligible for insured loans.

Lenders located right in the borrower's own community furnish a substantial amount of the funds for insured loans. Principal investors include banks, pension funds, insurance companies and trust funds.

Since the insured loan program was started in 1947—just 15 years ago—more than \$461 million has been loaned to nearly 40,000 individual farm families and soil and water associations. These borrowers have repaid more than \$112 million in principal and

\$49,356,000 in interest. Losses on insured loans amount to less than one-tenth of 1 percent.

There are many good things about the insured loan program. Aspiring farm tenants are able to acquire a stake in the land. Established farmers who have exhausted their equities or fallen behind in their mortgage payments through no fault of their own are able to secure some refinancing aid plus additional funds to strengthen their operations. Rural communities benefit not only from the improvements in local farming operations but also from the increased trade generated by the expenditure of loan funds. The Government benefits because the use of insured funds rather than appropriated funds leaves the borrower obtaining his credit from private sources and lessens the strain on the U.S. Treasury.

Existing legislation prior to October 11 limited the amount of insured loans made by Farmers Home Administration to \$150 million per year. This amount was sufficient to meet the agency's demand for loans until last year when by congressional action, we broadened and improved FHA's loan program. Desirable changes brought about by the legislation now enable Farmers Home Administration to meet the credit needs of the full range of family farmers. The changes also streamlined the insured loan authorizations, making these investments more attractive to private lenders. A greater demand for insured loans resulted.

During the 1962 fiscal year, Farmers Home Administration obligated the authorized \$150 million in insured loans in just 6 months' time and then had to cease operations for these kinds of loans. Obligations started out again during this 1963 fiscal year at a high rate and the agency will reach the \$150 million ceiling by early December. Applicants after that date will have to be turned away. Yet, adequate private capital is available for insured loans. At the present time, Farmers Home Administration has on hand from private lenders, commitments to buy more than \$75 million in insured loan paper. In my State of Indiana alone, commitments for \$6,941,022 are on hand from private investors.

S. 3387 is and was a sound piece of legislation. There is a great need for additional farm credit, and we should take prompt action on this worthy measure. In Indiana, there is a sharp demand for all of these insured loans. Now on hand are 331 applications for farm ownership loans, several applications for individual soil and water loans and 11 applications for soil and water association loans, all financed with insured loan funds. These loans when obligated would total approximately \$10 million. It is readily apparent that when this kind of a strong demand for loans in Indiana is multiplied by the demand in the other 49 States, \$150 million falls far short of meeting the total needs. To prevent a termination of this fine program in Indiana and other States, I strongly endorsed the senior Senator of Minnesota's [Mr. HUMPHREY] bill.

Our farm families deserve to have sources of adequate credit available for the financing of sound successful farming programs. And from the Government's standpoint, it's just not sound business to be operating a lending program that is out of funds for half a year or more. Delaying action on this measure until the next Congress would have continued the undesirable situation of last year when those farm families most in need, had to go for several months without financial assistance from the agency that is their court of last resort.

On behalf of the farm families of Indiana, and of America, I salute the senior Senator from Minnesota on the introduction of this bill, and thank deeply the President of the United States for signing the passed measure into public law.

SENATOR HARTKE OFFERS CONGRATULATIONS TO MAGAZINE DEVOTED TO RELATIONSHIP OF GOVERNMENT TO THE ARTS

Mr. MANSFIELD. Mr. President, on behalf of the junior Senator from Indiana [Mr. HARTKE] I ask unanimous consent to have printed in the RECORD at this point a statement prepared by himself, dealing with culture in the Nation's Capital; also an article entitled "District of Columbia Capital Culture," published in Show magazine for January 1962, on the same subject.

There being no objection, the statement and article were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR HARTKE

From time to time, many things are written and said about our Nation's Capital. One such article has been written, which I should like to call to the attention of my distinguished colleagues. Its title is "District of Columbia Capital Culture." It was published in Show magazine.

Further, since this is the first anniversary of this publication devoted to the arts, I want to take this opportunity to congratulate the magazine upon its first anniversary issue. Mr. Huntington Hartford, president, and Mr. Frank Gibney, publisher, have rendered the Nation a great service in bringing this magazine of culture and the arts into being and in publishing it with such a degree of understanding. Moreover, it has focused attention upon Washington with its perceptive articles about culture in the Nation's Capital and the relationship of government to the arts.

It is hoped that this publication can continue many more successful years of publication and because of this one article, which I previously mentioned, that I feel worthwhile reading for my colleagues.

DISTRICT OF COLUMBIA CAPITAL CULTURE

The city of Washington, not ancient enough to be blasé and too old to remain innocent, is enjoying a modest cultural boom. Let us stress the word "modest"; some even dare to hope that through the most strenuous efforts, and with a little luck, our Nation's Capital will soon be abreast, in cultural development, of Tiflis, U.S.S.R., a provincial metropolis 1,000 miles from Moscow.

More about that later. First let us also stress the handicaps that beset the arts in Washington. Whether you talk about the performing arts or about performing politics, whether you talk about what Jackie Kennedy is doing to Washington or what Washington is doing to Jackie Kennedy, the first thing to bear in mind about the Capital is that it is a restive colonial area. It is as much dominated by alien rulers as Bombay and Delhi were during the days of the British raj.

The invaders follow the venerable pattern. They take the best jobs, from the White House on down. They occupy the choicest neighborhoods—sometimes, as in Georgetown, evacuating the local population. In their favor, it can be said that they have been relatively benign about improving the native standard of living.

Philanthropists, beginning with the Britisher, James Smithson, and culminating magnificently in Andrew Mellon, Samuel H. Kress, and Duncan Phillips, have lavished their benefactions on the populace. Other settlers have encouraged the theater, the opera, the ballet, the symphony, and chamber music, while, at a lower level, colons from Greenwich Village have brought their coffeehouses, sandal shops, and sexual aberrations. And Harvard University, besides running the White House, has its special cultural out-

post on the New Frontier—Dumbarton Oaks, with its stately gardens and Byzantine study center.

Washington, in short, is becoming civilized, or at least relatively so. The massive injections of foreign aid have begun to take effect; perhaps there is hope for the Gabon Republic, too.

That there is a modest amount of progress is borne out by the history of the Arena Stage, Washington's competent repertory theater, which began on an investment of \$14,000 and has now become a million-dollar (though nonprofit) enterprise. Before the Arena, the only professional theater consisted of road shows and tryouts, the crumbs which Broadway tolerantly let drop from its table.

The Arena had its start as a theater-in-the-round in the old Hippodrome, a dilapidated movie house which seated 247 souls. It was founded in 1950 by Zelda Fichandler, a young protégé of Prof. Edward Magnum, of George Washington University, who was convinced that there were enough colonists to support a resident company which offered both off-beat drama and the staples of commercial theater. Her judgment was triumphantly vindicated.

In 1956, the Arena moved its stage to a converted brewery located in Foggy Bottom, a silk hat's toss from the State Department. Seating capacity was doubled, and by the 1960 season there were 100,000 paid admissions for a bill which included "The Cherry Orchard," "Ring Round the Moon," "The Iceman Cometh," and "The Disenchanted." The troupe was comprised of young New York actors who were paid the equity minimum.

Due to the caprices of urban overdevelopment, the Arena's theater-in-the-vat was condemned to make way for the stanchions of a new bridge. This fall, the Arena was reborn again in fancy new quarters seating 750 people and costing more than \$800,000. The fact that Mrs. Fichandler was able to finance the move is the best measure of the success of a company which began a decade ago in a shabby theater now devoted to showing nudist films.

The Arena's prosperity reflects the changes that have occurred in Washington since the Capital was a sleepy southern town in which livestock grazed on the White House lawn. The first big wave of invaders came with the New Deal; the wartime influx confirmed the city's new status as a major world capital. In the process, Washington became a white-collar town with the highest educational level of any major city in the country: 25 percent of the adult white population in the metropolitan area has completed 4 or more years of college (the figure for San Francisco-Oakland, the runnerup area, is 12 percent). The 2 million in the five-county metropolitan region are not only literate, but also prosperous: the area ranks first in the Nation in effective buying income per household. Additionally the Capital is now host to a steadily expanding international community. So, although the Capital is a single-industry town, its inhabitants offer a market for loftier cultural enterprise as well as for politics. Yet, by and large, Washington remains a lamentably underdeveloped area in the arts.

A notable exception is in the field of painting and the plastic arts. Taken together, the four great galleries in Washington rival the collections in London and Leningrad, not to speak of New York. Concerning music, the verdict is mixed. Attending an opera opening in Washington is an experience that has an inescapable note of the bouffe, because ours is the only major world capital without an opera house. When the Metropolitan comes (it makes an appearance only every few years), it plays at the Capitol Theater. The big, black Rolls-Royces with diplomatic plates pull up in front of the marquee, and official Washington makes its appearance in appropriate finery in the

movie lobby—like Colonial Office worthies trying to Keep Up Standards in Sierra Leone.

Or, if the Washington Opera Society is offering one of its four or so annual programs, the identical tableau is enacted at Lisner Auditorium on the George Washington University campus. The auditorium has its virtues, but unfortunately the orchestra pit is best fitted for chamber music. It has been necessary, at times, to expand the pit in order to accommodate the orchestra.

Despite the handicaps, the Opera Society has made a reputation for itself in 5 years. The company draws on local talent as well as professional imports, and the quality of performance has surprised out-of-town critics. The only grumbling concerns the inclusion of such weary old mares as "Carmen" in a repertory that has until lately been aristocratically thoroughbred.

The city does have a symphony which for 5 years has been playing a 32-week season, but the orchestra—well, that is a matter for debate. Partisans of Conductor Howard Mitchell insist that Washington has in the National Symphony Orchestra an ensemble that need cause no blushing. Detractors reply that local pride colors this judgment, and that the Symphony, despite improvements, cannot be considered a major orchestra.

Whatever the correct estimate, it is clear that Mr. Mitchell labors under formidable difficulties. The bulk of his concerts take place in Constitution Hall, which has the acoustics of a dirigible hangar and the architecture one might expect in a building constructed for the springtime rites of the Daughters of the American Revolution. Equally discouraging, the National Symphony is the only major orchestra that has no summer season, which means that it cannot employ its talent year-round. In the summer, the Marine Band plays at the pleasant Watergate on the Potomac; and at Carter Barron Amphitheater you have a choice of crooners, comics, and antique Broadway musicals. It is odd that the Government, which owns Carter Barron, one of the country's finest outdoor amphitheaters, cannot make some provision for the orphan symphony.

Otherwise, the musical calendar is full. You can sample baroque concertos at the National Gallery of Art, chamber recitals at the Phillips Gallery, massive choral works at the National Cathedral; and, on occasion, the Natural History Museum offers concerts using ancient instruments from its collection. If all this palls, there is a recently formed Washington Ballet, which has had modest success; there is the usual parade of visiting recitalists; there are four good music stations (WGMS, WAMU, WASH, and WMAL); and there are the concerts at the Library of Congress. The last deserve special mention, because the Budapest String Quartet performances are surely the best musical bargain in Washington. At no cost to the concertgoer, it is possible to hear them play Beethoven on the Stradivarius instruments donated by Gertrude Clarke Whittall, a good angel who has helped to make the Library of Congress a place where a sonata can be heard as well as read.

If a coda is required for this discussion of music, it ought to be a reiteration of the problem of primitive facilities. Although the Government has many auditoriums, it has happened, on at least one occasion, that a stage could not hold the weight of a grand piano. Nadia Boulanger arrived for a concert at the Interior Department auditorium to find the piano sitting in the aisle.

If the capital's musical facilities are poor, its theatrical plant is pathetic. There is only one adequate legitimate playhouse for the 2 million people of Washington—the venerable National. What is more astonishing is the profligate fashion in which Washington has squandered its theatrical resources. The old Shubert provided a faded

but usable second theater until it was gutted by fire a few years ago. Rather than restore an essentially sound structure, the proprietors cleared the site to make way for a more profitable parking lot. A third theater, the Belasco, is located on Lafayette Square, in full view of the White House, as choice a location as the city affords. It has been used to store Treasury records, and is soon to be razed to provide space for a monster Federal courthouse, where more prosaic drama will take place.

As a result of its monopoly, the National Theater was solidly booked last July for the current season. Most of the plays will be Broadway standbys now on tour. By virtue of its quality audience, Washington is regarded as a desirable tryout town, but the opportunity to attend openings has become increasingly rare at the very time that the audience for drama has increased.

Washington would be starved for theater if it were not for the supplementary diet provided by the smaller companies. Besides the Arena Stage, there is the University Theater of the Catholic University Speech and Drama Department, a superior college company, and there are well-intentioned amateur groups, including Theater Lobby and the Washington Theater Club; during the summer, players from Catholic University form the nucleus of a stock company in Olney, Md., and sometimes they are worth the trip.

In recent months, members of Congress have taken a tardy but laudable interest in culture, and for the first time there is a remote possibility that the Government may do something to end America's distinction of being the only civilized country that provides virtually no official encouragement to art, at least at home.

Paradoxically, foreigners have already benefited from the U.S. assistance to the arts in programs that are applauded by some of the same politicians who would be shocked if tax money were used in the same way to benefit the American people. It was considered perfectly proper to provide foreign-aid funds to help European cities rebuild their theaters. Few are shocked when the Government spends money for cultural exhibits at world's fairs and exhibitions. The Voice of America regularly broadcasts music of a quality unavailable in vast tracts of the United States. There were no strenuous denunciations when President Eisenhower began a cultural exchange program through which more than 150 attractions have been sent overseas, varying from Dizzy Gillespie to "The Glass Menagerie," starring Helen Hayes.

Until recently, the idea of letting the American people in on the fun has been regarded as downright seditious. Slight winds of change can now be detected. In one campaign statement, Mr. Kennedy was most explicit: "When so many other countries officially recognize and support the performing arts as part of their national cultural heritage, it seems to me unfortunate that the United States has been so slow in coming to a similar recognition." But the fact that politicians see some potential gain in discussing aid for the arts suggests that possibly—just possibly—something may be done.

As far as Washington itself is concerned, there are two possibilities. First, there is the proposed \$80 million National Cultural Center, which could provide the facilities for the performing arts worthy of a major capital. Although Congress has donated land for the Center, the construction funds are supposed to be privately raised; gloomy realists doubt that the plans drawn up by architect Edward Stone can be implemented without public assistance.

On a more modest level, there is the suggestion that the city of Washington ought to do a good deal more to assist cultural enterprise. A Library of Congress study made recently found that Washington spends less on cultural activities than any of 38 other

cities surveyed. The local budget for the fine arts is \$16,000—compared with \$2,600,000 for New York City, \$824,000 for Philadelphia, and \$448,000 for Baltimore. Tiny Hagerstown, Md., located in the heart of an economically afflicted area near Washington, spends only \$3,500 less than the Capital of the United States spends out of a budget of more than \$200 million.

It is, of course, true that the Federal Government contributes to the great national museums, but in view of the demonstrable local need, the parsimony of the city budget is difficult to understand. Senator HUBERT HUMPHREY, who never runs short of ideas, has proposed that 1 mill out of each dollar of tax revenue be set aside in a special fund to be used for cultural purposes. Besides helping the symphony meet its deficit, the money could also be well spent in acquiring a theater. One movie house, RKO Keith's, has already been suggested as a possible municipal stage. Since the National Cultural Center seems light-years away, the locals would gladly settle for something more immediately usable, something which could develop along the lines of New York's City Center.

In the end, the fate of these proposals may well hinge on what President Kennedy does. When the President returned from his European tour, he was reportedly shocked to rediscover the relative cultural poverty of Washington in comparison with Paris and Vienna. The comparison is, of course, unfair, because both cities are more than political capitals; they are great centers of commerce, education, and culture. Yet Howard Taubman, drama critic of the New York Times, scored a telling point when he contrasted Washington with Tiflis, a city that has an opera house, a ballet, four professional theaters, several children's theaters, and a vigorous cultural tradition.

Mr. Kennedy obviously cannot improve the cultural tone of Washington merely by signing an executive order. But by pressing for some of the proposals already described, he can do a great deal. By example, too, the President is in a position to give more ceremonial importance to the arts, as he did, for instance, by inviting Robert Frost to participate in the inaugural and by placing something besides westerns on his personal bookshelf.

When they are confronted with the possibility that Washington could become more than a political capital, outsiders—particularly New Yorkers—adopt an attitude of amiable condescension. Washington, as Howard Taubman puts it, is a hick town, and he argues that, even if the Capital were to build a National Cultural Center, there wouldn't be much to perform in it.

Too often, the rejoinder in Washington consists of dismissing the criticism as a canard, as the ululation of envious provincials. The indictment is overdrawn, but it could be argued that this underdeveloped area has reached what Prof. Walt Whitman Rostow, the White House authority on such matters, calls the "takeoff" stage.

An increasingly cosmopolitan settler colony is now hungry for the sweetmeats of culture, and there are a dozen indications of its eagerness. For example, Washington is one of the few cities—Boston is said to be another—where the number of classical records sold is greater than the number of popular disks.

There is also the postwar boom in foreign film houses. Not so long ago, it would have seemed hopelessly utopian to expect to find a Bergman film at more than one theater, but recently three of the city's six art houses were featuring the works of the distraught Swede. Last year, a Washington Film Society, roughly comparable to New York's Cinema 16, was organized, and is off to a vigorous start.

No less striking is the success of the Institute of Contemporary Arts, which in less

than a decade has established a cultural cartel in the poetry-reading field. The ICA offers a subscription series of readings, concerts, and esoteric films; despite the high cost (\$20 per person for a season), it counts its members in four figures.

But, as in all underdeveloped areas groping into the 20th century, the cultural development of Washington has been uneven, thrusting forward on some fronts, conducting holding operations in others, and retreating miserably in at least a few areas. The literary life is Washington's single most humiliating failure—there is virtually none—while television is a close second.

There is no need to belabor the arid banality that characterizes much of the city's television programming. The surfeit of westerns, fossilized movies, and bloody private-eye shows follows the same pattern that prevails in most cities. But it is cause for special pain that, in the Capital, political events are sometimes inadequately covered. For example, during the celebrated September meeting of the United Nations General Assembly in 1960, New Yorkers could see Nehru and Castro, Khrushchev and Sukarno, in unexpurgated and undigested form. There was less television coverage available in Washington. It should, however, be noted that Washington finally acquired an educational TV channel this autumn, channel 26, operated by GWETA (the Greater Washington Education Television Association). The chief problem, of course, is that GWETA's outlet is an ultra-high-frequency channel requiring a special adapter for most sets.

Thus, Washington remains, in Dickens' phrase, a "city of magnificent intentions." The musk of power pervades the city, but as yet the scent of poetry is only intermittently encountered. If the administration makes an effort to practice the politics of art, there is a local constituency that would respond eagerly. Their slogan, it can be reported on good authority, is "Tifis, here we come."

AN AMERICAN'S CHALLENGE

Mr. KEATING. Mr. President, on October 9, 1962, at the American Legion national convention in Las Vegas, Nev., the Honorable J. Edgar Hoover, Director of the Federal Bureau of Investigation, delivered an excellent address, entitled "An American's Challenge," which should be called to the attention of all Americans.

On behalf of the Senator from Iowa [Mr. MILLER], I ask unanimous consent to have this address printed in the RECORD at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

AN AMERICAN'S CHALLENGE

At this critical hour in the life of our Republic, it is indeed a high honor to serve as keynote speaker for this great national convention. It is a great privilege to be thus honored by men and women who have demonstrated their patriotism and their courage in defending our beloved Nation.

Today, the American Legion is more vigorous than ever in inspiring national loyalty and promoting national preparedness. You have never faltered in your dedication to, and promotion of American ideals.

In 1946, when I spoke to you at San Francisco, the world was just emerging from a long and devastating war—a war which claimed the lives of over 400,000 of our fellow countrymen. We looked hopefully for the end of hostilities and an era of peace—peace with dignity, peace with honor, peace with international trust and understanding. We were aware, however, that a brand

of tyranny and fascism—Red fascism—far more treacherous than that of Hitler and Mussolini, was emerging as a powerful threat on the international scene. By 1957, when I was honored to speak at your Atlantic City convention, the virus of communism had spread in epidemic proportions, infecting vast areas of Europe and Asia. The stench of death from the brutal slaughter of Hungarian freedom fighters by Soviet hordes, paralleling the carnage of Genghis Khan, the Mongol conqueror of the 13th century, hung heavy in the world atmosphere.

Two years ago, in 1960, it was my duty to urgently warn your delegates at Miami that communism had gained already a strategic beachhead in nearby Cuba; that Khrushchev, Mao Tse-tung, and Castro were dictators of the same order, driven by the same atheistic urge to dominate men and nations.

I referred also to the devastating encroachments of crime and corruption—avowed enemies of the very ideals upon which our Republic was founded. The poisonous effect of these enemies on the social, economic, and political life of America is keenly felt.

Today, we stand at the same crossroads and are faced with threats identical to those which confronted us 16 years ago. These threats are accepted in some quarters as the normal climate of life, to be met with appeasement or accommodation. The heavy inroads of international Communist aggression continue with a terrible ruthlessness.

Peoples everywhere must be prepared today to stand up and be counted—either for or against freedom.

We are an idealistic nation—a nation ruled by laws, not by men. Yet, each year shows new record peaks of crime and lawlessness.

Nearly 200 years ago, Edmund Burke warned, "The only thing necessary for the triumph of evil is for good men to do nothing." How meaningful these words are today.

We have failed to meet the postwar goals which America has established for herself because the "good men" to whom Burke referred—the forces for decency in our country—have failed in many respects to live up to their duties and responsibilities.

What has happened to the time-honored precepts of hard work and fair play which influenced the American scene during the all-important formative years of this great Republic? Where is the faith in God which fortified us through our past trials? Have our national pride, our moral conscience, our sensitivity to filth and degradation, grown so weak that they no longer react to assaults upon our proud heritage of freedom?

Crime and subversion are formidable problems in the United States today because, and only because, there is a dangerous flaw in our Nation's moral armor. Self-indulgence—the principle of pleasure before duty—is practiced across the length and breadth of the land. It is undermining those attributes of personal responsibility and self-discipline which are essential to our national survival. It is creating citizens who reach maturity with a warped sense of values and an undeveloped conscience.

Crime is a parasite, feeding upon public disinterest and moral lethargy. This day, more than 5,200 felonies—4 serious crimes every minute—will be committed across the United States. They will include 430 crimes of violence—murders, forcible rapes, and assaults to kill. At least 250 robberies, 10 an hour, will be recorded, as will 4,500 burglaries, major larcenies, and automobile thefts.

Since 1946, our national crime totals have more than doubled. Over the past 5 years, since 1957, these crimes have risen 5 times as fast as our growing population.

Nowhere has this increase been more pronounced than among America's youth. Last year, persons under 18 years of age were involved in 43 percent of all arrests for serious crimes. They accounted for 22 percent of the robbery arrests, nearly one-half of the

burglaries and larcenies, and well over half of the automobile thefts throughout the United States.

There is a moral breakdown among young people in the United States. The crime rate is outdistancing the population increase; pornography is flourishing; and there is a quest for status at the expense of morality.

The heavy toll of crime, both juvenile and adult, is a direct product of self-indulgence and irresponsibility. There is a pattern of flight from responsibility.

It is utterly tragic that many otherwise intelligent people develop a blind spot with regard to the conduct of their own children. Until there comes about a greater degree of parental understanding—real interest, affection, and concern—we will witness a continued upsurge in juvenile crime.

There must be a moral reawakening in every home of our country. Disrespect for law and order is a tragic moral illness.

As Benjamin Franklin said, "Nothing is of more importance for the public weal, than to * * * train * * * youth in wisdom and virtue. Wise and good men are, in my opinion, the strength of a state; much more so than riches or arms."

Our city streets are jungles of terror. The viciousness of the rapists, murderers, and muggers who attack women and young girls seems to know no bounds. This senseless sadism can be stopped only by a concerted, realistic action on the part of everyone connected with law enforcement and our judicial processes. We must adopt stiffer laws and a more stern policy toward these perverted individuals.

Too often, the interests of justice and consideration for the welfare of society are buried under an avalanche of court decisions which give violators of the law rights and privileges that destroy respect for the law and public safety.

Too often, technicalities have been permitted to exist in our penal codes which have been employed solely and exclusively for the benefit of that small minority of lawyers-criminal who use any tactic, no matter how unethical, to defeat the interests of justice.

More and more the judicial-legal system of this country is being revised to benefit the criminal—to the disadvantage of the innocent. More judges should speak out against this legalized perversion of justice.

Too often, our parole boards are being influenced by impractical theorists—conference from "experts" who are without experience in the arena of action against crime.

Too often, a cloak of special privilege is thrown around the enemies of society, vicious young muggers, robbers, rapists and murderers, by poorly conceived and maladministered programs intended to promote their rehabilitation.

Mercy tempers justice in the American judicial system, but leniency was never intended to become a weapon for repeating offenders. Mercy can be hazardous and sympathy morbid when they are wasted on those who exploit them.

Responsibility for the wave of lawlessness now sweeping the Nation and the continued existence of conditions in which crime and corruption flourish, rests directly with the American people. The public, by its submissive attitude and its lethargic acceptance of infractions of the law, has helped create an atmosphere conducive to the insidious growth of underworld activity.

Crime is a community as well as a national problem. It will not be abolished by ignoring it. Perhaps it is sometimes oversensationalized; its gory details undoubtedly are distasteful to many people. But if the public is to be aroused to take needed action against what appears to be an epidemic of criminal activity, even sensationalism perhaps may be justified.

We are paying dearly and in cold cash for these indulgences. Crime now costs the

American people more than \$60 million a day. But this figure does not take into account the human factors—the personal grief, the broken homes, the physical and mental suffering. Nor can a price be placed on the loss of American prestige in the community of nations, or the eroding influence upon our heritage, which are byproducts of the continuing growth of underworld activity.

Crime has a sinister partner in promoting the breakdown of our moral standards. This partner is international communism—an aggressive and atheistic force which today controls one-third of the world's population and one-fourth of her land surface. The barbaric Communist empire now stretches from the wall of Berlin to the China Sea, from Asia's Mekong River to the Escambray Mountains of Cuba.

In our country, this international conspiracy is represented by a bold and defiant Communist Party—fanatically dedicated to the destruction of our form of free government.

The Communist Party, U.S.A., is an alien force, an agency of a foreign power—the Soviet Russian Government. Today, it is engaged in an intensive campaign to openly defy the law and destroy public confidence in our entire system of justice.

Throughout the past year, the party has deliberately and flagrantly refused to comply with a U.S. Supreme Court ruling which requires it to register with the Attorney General as an agent of the Soviet Union.

In furtherance of this campaign, front groups have been formed, propaganda leaflets circulated, agitational meetings held—all for the purpose of attacking American laws and undermining faith in our democratic institutions. We must be aware of these tactics to sabotage our basic heritage of freedom.

The Communists, their myriad fronts and collaborators do not fade away. The Communist Party today may be smaller in the United States, but it is a hard-core group of fanatics operating a massive and impressive propaganda machine. The danger and wiles of communism cannot be measured solely by shrunken rolls of actual party membership in this country.

Communists continue with impunity to breathe out hate, particularly against the United States.

There is not an avenue to the heart and mind of Americans that is not used to implant their false ideology.

The Communists are experts in the practice of treachery and deceit. They have used this program of blatant defiance as an offensive weapon to rally the support of misguided, ill-informed, and naive individuals.

Foremost among their targets have been America's young people, for the aim of communism is world youth and the capture and corruption of that youth.

We have but to look at the shameful riots in San Francisco in 1960 when college youth in that area, encouraged by Communists, acted like common hoodlums in demonstrating against a committee of the U.S. Congress engaged in public business.

We have but to look at the Communists' success in stimulating the interest and participation of some of America's young people in the Communist-inspired and Communist-dominated World Youth Festival which was held at Helsinki last summer.

We have but to look at the party's campus speech program which has seen Communist functionaries appear before student groups at colleges and universities from New York to California. On 1 campus alone, a crowd of nearly 12,000 turned out to hear the party's general secretary, ex-convict Gus Hall, declare that the Communist Party, U.S.A., is a legitimate political organization on the American scene and deny its subservience to Moscow, from which it has been estab-

lished that it actually receives orders and financial support.

The success of these and other programs which the Communists have directed against American young people can be measured by the enthusiasm of top party officials who predicted several weeks ago that 1,000 youths could be recruited as party members before the end of the year.

Colleges should bear in mind that Communist speakers are not bound by any obligation to tell the truth.

The fact is that the party in this country functions as a valuable auxiliary of the Soviet-bloc espionage network. From their areas of influence, American Communists have produced a Julius Rosenberg, a Morton Sobell, and others both willing and able to betray vital secrets to the Soviet Union.

Today, there are 925 Soviet and satellite official personnel in the United States. The vast majority of them represent a cunning and dangerous espionage threat.

From the immunity of their diplomatic assignments, representatives of Communist-bloc nations have directed intelligence networks within the United States. From 1950 through 1960, 21 officials of the Soviet Union alone were declared persona non grata or otherwise asked to leave the United States because of flagrant activities detrimental to this country.

One Soviet defector, a former intelligence officer, has estimated that between 70 and 80 percent of the Soviet officials in the United States have espionage assignments. Years of personal experience qualify this man to speak with authority concerning the duplicity, the deception, and the deceit which are inherent in every phase of the international Communist conspiracy.

During the last 30 years, the United States has participated in hundreds of meetings with the Communists—Teheran, Yalta, Potsdam, Panmunjom, and Geneva. These meetings led to many agreements, almost all of which have been broken by Soviet Russia.

We are at war with this sinister conspiracy. Every Communist today must be considered as enemy, wherever he may be, at home or abroad.

A soft approach toward the menace of communism can lead only to national disaster.

Much has been done by the Government's internal security programs; by investigation, arrest, and prosecution of party functionaries; and by widespread intelligent public opposition of the Marxist philosophy to thwart the Communist Party's efforts in this country.

However, communism remains an intense subversive threat. Our Nation's efforts to deal effectively with this menace are not enhanced by those of the extreme right who tend to affix the Communist label without intelligent analysis, or by those of the extreme left who endeavor to minimize the real danger of communism.

This latter group includes grossly irresponsible elements, a shocking number of whom have depended for their very existence, upon tax-exempt funds. We have heard them shout "sententious poppycock" at well-founded and documented warnings against the capacity of the Communists to pervert our thinking and destroy the spiritual supports which form the foundation of our freedom. Inane statements such as these add nothing to the American people's understanding of the true menace of communism at home and abroad. They are a rank disservice to the cause of freedom.

I repeat, a soft attitude toward communism can destroy us. We should unite as a people around an intelligent, rational, sensible, but very hard attitude against communism everywhere.

In the battle against communism, as in all previous encounters with godless tyranny, the United States must win and we will win. Let Khrushchev, Castro, and Mao Tse-tung

recognize there is no force more powerful than the determination of a free and righteous people.

Let us not forget that whenever we have stood firm, communism has retreated.

From the moment the American Republic was conceived, our country has achieved its proudest moments in the face of adversity. Valley Forge; Belleau Wood; Guadalcanal; Pusan, Korea—these are proud names in the Nation's history, places where our fighting men have risen to heroic heights to overcome deadly enemies. Challenge, not compromise; victory, not defeat—these are words which have real meaning for true Americans.

We must assemble our strength—the moral strength endowed upon us by our Creator, the Author of Liberty. We must reaffirm our determination—the God-inspired determination to protect our freedoms and safeguard our democratic heritage at all costs.

In the heat of an all-out struggle with an alien godless ideology, this Nation needs all the prayers it can get. Prayer and devotion to our Creator are basic to American strength and courage.

There is a vast difference between Americanism and communism. One teaches morality; the other, expediency. One follows the law of God; the other, no law. One is founded upon spiritual values; the other is complete secularism. One is characterized by deep religious conviction; the other, by ruthless, atheistic materialism. The Communist world is a world of walls, searchlights, and guards—a prison for the heart, mind and soul.

The United States is second to no nation in material wealth. From our free economy has emerged a standard of living beyond the reach of any Communist-controlled people in the world. But in luxury there is the danger of physical weakening and moral softness. Self-indulgence can prove fatal. It can accomplish from within what our most deadly enemies have been unable to do from without.

We cannot defeat communism with socialism, nor with secularism, nor with pacifism, nor with appeasement or accommodation. We can only defeat communism with true Americanism.

The fight against crime and communism can be won, and it will be won with, but only with, the help of every decent American citizen. No individual in this great land of ours should underestimate the importance of his or her role.

Let us all work that there may be a rebirth of freedom under God in our Nation.

As Astronaut John H. Glenn, Jr., said, "Freedom, devotion to God and country are not things of the past. They will never become old fashioned."

Every strong nation in history has lived by an ideal and has died when its ideals were dissipated. We can be destroyed only by our own gullibility. If we are ready, we shall neither be dead nor Red.

It is what a nation has in its heart, rather than what it has in its hand, that makes it strong. The nation which honors God is protected and strengthened by Him.

To foster the cause of liberty and justice—this is the goal of America and the goal of every Legionnaire. This goal has been challenged by communism and crime. America has accepted the challenge and we must and will meet it successfully.

We are a God-loving people. This is our greatest strength. Let our national motto always be "In God We Trust."

RECESS

Mr. MANSFIELD. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair.

The motion was agreed to; and (at 1 o'clock and 5 minutes p.m.) the Senate

stood in recess, subject to the call of the Chair.

At 5 o'clock and 28 minutes p.m., the Senate reassembled, when called to order by the Presiding Officer (Mr. METCALF in the chair).

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, notified the Senate that, pursuant to the provisions of section 1, Public Law 87-586, the Speaker had appointed Mr. MATTHEWS, of Florida, and Mr. CRAMER, of Florida, as members of the St. Augustine Quadricentennial Commission, on the part of the House.

The message announced that the House had passed, without amendment, the bill (S. 2555) for the relief of Fong Yee Hin.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10620) to amend section 213 of the Internal Revenue Code of 1954 to increase the maximum limitations on the amount allowable as a deduction for medical, dental, etc., expenses.

The message further announced that the House had agreed to the amendments of the Senate to each of the following bills of the House:

H.R. 7932. An act to amend the act of July 2, 1948, so as to repeal portions thereof relating to residual rights in certain land on Santa Rosa Island, Fla.; and

H.R. 12820. An act to validate the coverage of certain State and local employees in the State of Arkansas under the agreement entered into by such State pursuant to section 218 of the Social Security Act.

The message also announced that the House had agreed to the amendments of the Senate to the joint resolution (H.J. Res. 489) to provide protection for the golden eagle.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11586) to amend section 502 of the Merchant Marine Act, 1936, as amended.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, lest hopes be raised too high, the purpose of resuming the session is to give certain Senators an opportunity to make remarks which they have prepared and which I think it would be well to dispose of at the moment.

Mr. JAVITS. Mr. President, I wish to inform my colleagues that I shall probably take a half hour, with a rather large number of miscellaneous matters. If any Senator has something more brief, I shall be glad to yield.

FAILURE OF CONGRESS TO PROVIDE AID TO EDUCATION

Mr. JAVITS. Mr. President, first I should like to make some observations on what I consider to be a real national

tragedy—the failure of any bill on higher education whatever to get through this Congress. I was a conferee on the higher education bill passed by this body, which was based largely upon construction loans and scholarships, and an effort was made to reconcile that with the bill which passed the other body, which provided grants and loans but no scholarships. The conferees arrived at what I considered to be a meeting of the minds, but the bill was returned by the other body to the conference.

No aid-to-higher-education bill has been passed. Not only was the major bill for aid not passed, but there was not passed even a bill to increase student loan funds from the present authorized \$90 million to \$125 million, which passed the Senate without a voice being raised against it, and which we had every expectation would pass in the other body. We come to the end of this session on this critically important matter with dust in our mouths.

Mr. President, it seems to me that this is probably one of the most signal failures of the present session. The American people will want to assess the responsibility for it. I hasten to add that I found in the chairman of the Senate conferees, the Senator from Oregon (Mr. MORSE), the greatest anxiety to bring about agreement. Therefore, I wish to make very clear, in discussing the question, that I do not find fault with my colleague who headed the conference. But I do think that what happened here was that the majority party itself, the Democratic Party, was at war within itself and that there was no leadership when it might have counted for the most in terms of bringing about consummation of what the majority here had voted. The disputes which wrecked the hope for any higher education bill were the aid to private colleges and universities and the fight over scholarships. I am confident that they could have been and should have been reconciled and that the exercise of strong leadership would have brought about such a compromise. But I found it very sadly lacking in the whole situation, only to see all our hopes dashed by the adverse vote in the other body.

In my opinion it is really a disgrace that neither the college academic facilities bill or even the bill to increase the funds for student loans from \$90 million to \$125 million authorization per annum got anywhere. I have now introduced a new bill, which is in essence the conference report upon which the Senate and House agreed. It is hard to believe that neither the Senate nor the House, both of which passed bills for aid to higher education, so urgently needed by our colleges and universities, and which is absolutely indispensable in a cold war against the Communists, should have gotten anywhere in this very, very critically important field. It seems to me that the failure was a failure of political courage on the leadership side. Especially is that true when our security and progress as a Nation here are so heavily dependent upon our progress in education generally, and particularly in higher education.

Let us remember, too, that the bills thus passed in the Senate and in the House were only a minimum effort, and in view of the urgent need it will take an even greater effort than was incorporated in those bills, which roughly sought \$1.25 billion in aid, as well as the increase in the college loan fund to help our colleges and universities meet their responsibilities.

I am very proud to have been the sponsor of the major compromise on scholarships through the suggestion that there be a loan program with substantial forgiveness for those students in the upper 25 percent of their classes.

I notice that the Senator from Oregon is present in the Chamber. I do not know whether he was here when I began. I paid special tribute to him. Certainly no one in the world could say that he did not try in every way that he could to bring about agreement.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MORSE. I wish to thank the Senator from New York for his comments. I would be less than appreciative of the teamwork that the Senator from New York extended to me throughout the past 2 years that we worked together on various education bills if I did not rise now to thank him for that assistance. He and I can never tell what the vicissitudes of politics will bring to Senators. I fully expect and look forward to working with the Senator from New York in this body next January. I hope that in the next session of Congress we will be more successful in getting adopted by both Houses of Congress an elementary and secondary school bill, a higher education bill, and several pieces of so-called proposed education legislation that I think the Nation is crying out to have passed.

Mr. JAVITS. Mr. President, I think that all of us feel a great sense of responsibility in this matter and would not wish to speak except with some purpose even at a time when we are not doing much else in the Senate. The purpose of my speaking is, first, to express my great sorrow over what has occurred. This failure is a disgraceful thing for our Nation, considering the need.

Second, notwithstanding the rush of adjournment and the press of other news, I hope that somehow or other the realization may get out to the people of the country that here is something that can be made the subject of discussion in the course of the present campaign. We are all approached by groups of every kind and character for pledges and for assurances on policy and program. I really think that if the colleges and the universities of the country went to their own communities and laid before them the critical blow to America's future which has been struck—even if it is only a delay, which is now bound to be a year or perhaps 2 years—and the critical urgency to demand from their Representatives in Congress, whatever may be their party, or the candidates for the Senate, a statement of their position on the bill to provide Federal aid to higher education, would they allow what I consider to be in all respect to those who entertain it—but I must give honestly

the inside of my conscience—the narrow and parochial view of our responsibilities in refusing to see any aid move to private or sectarian colleges after the most careful way in which we had directed it.

We had headed it without entertaining doctrinaire ideas about scholarships, knowing full well that 70,000 high school graduates in the top 30 percent of their classes have failed in this very year to go to college because of lack of funds. We are deprived of an indispensable natural resource as a result, especially in the face of an extremely practical provision, providing not for scholarships, but for loans, with an element of forgiveness if the student really showed high academic merit in his college studies.

It seems to me that there is a very substantial opportunity for the colleges and universities of our land, public and private alike, to arouse the people in their communities so that a significant body of support may be available when we return here. Perhaps I shall return; perhaps I shall not. Whether I do or not is not nearly as important as that this should be done. It is in that sense that I speak in great sorrow in deprecating in the national interest what we have failed to do.

Mr. President, there is a serious shortage of qualified teachers at all levels of education. The physical plants of so many of our colleges are not only overtaxed at present but must be expanded within the next 10 years to handle a college population that will be 2 million more than the enrollment at present.

By 1970 we will have 6 million students. We have four million students today.

Mr. President, I have not spoken about elementary and secondary education in the great detail that the subject deserves because for some reason it was almost tacitly accepted here, though I deprecate that attitude very much, too, that that kind of bill could not pass. But we had high hopes for the aid to higher education bill which have been completely dashed. That is the reason I speak so feelingly about the matter.

Our higher education picture is not good; there are expanding registrations, overcrowded classrooms, inadequate teaching staffs, wornout or old-fashioned equipment. Our higher education system in this space age should be of the very best quality of which we are capable, but we do not have it and we are not doing very much so far to get it. Unless we take the steps needed to approach at least the optimum goals for higher education, we will go on wasting talent and the energy of thousands of Americans like the 70,000 high school graduates who have been deprived of a college education, in my opinion, directly in the face of and contrary to the national interest.

I can think of few failures in our Nation in the last year quite as damaging as that one.

For myself, whether or not I return to the Senate next year, I shall continue to carry on the fight for Federal aid to our educational system and to sound the alarm over the widening educational gap and the serious shortage of skilled manpower which is a direct consequence of

our failure to enact the essential legislation. Every young American who has the desire and the capacity to obtain a college degree should be given the opportunity to do so. And we shall not have met the great challenges of our age until we have made that opportunity a reality.

IN DEFENSE OF THE SUPREME COURT

Mr. JAVITS. Mr. President, on May 2, 1962, on the floor of the Senate the chairman of the Judiciary Committee [Mr. EASTLAND] delivered a scathing attack on the U.S. Supreme Court, and the Justices who have sat on that Court for the past 20 years. After charging that the Supreme Court has "infringed, invaded, and usurped the powers vested by the Constitution" in the executive and legislative branches of the Government, Senator EASTLAND presented charts that allegedly demonstrated that all members of the Court have, for many years, been delivering pro-Communist votes that "threaten fundamentally the basic security of our country from the onslaught of the Communist conspiracy from without and within"—CONGRESSIONAL RECORD, volume 106, part 6, pages 7599-7605.

At that time, on the Senate floor, I requested of Senator EASTLAND the "specific criterion" for his statements and charges, and who had set the criterion. Senator EASTLAND said that the criterion had been set by his staff, but that "any lawyer with any sense at all could do that." He said that the test was, "if the decision of the individual judge was in favor of the position advocated by the Communist Party or the Communist sympathizer involved in the particular case, it was scored as a pro, meaning pro-Communist. If the judge's decision was contrary to this position, it was scored as a con, or contrary position"—CONGRESSIONAL RECORD, volume 106, part 6, page 7604.

I was not satisfied to let the matter stand in this posture, with the CONGRESSIONAL RECORD showing only the attack on the Supreme Court, a body that is in no position under the Constitution to defend itself. Accordingly, I stated that I would have a response prepared, in legal and constitutional terms, to the charges which, particularly made from such a source, were most serious.

The response was prepared at my request by Associate Professor Norman Dorsen of the New York University School of Law. At one time Professor Dorsen served as law clerk to Justice John Marshall Harlan and is presently the director of the Civil Liberties Center, which was established at the New York University Law School in honor of the late Arthur Garfield Hays. It is in my view a very excellent analysis which I believe deserves to be brought to the attention of my colleagues, the bar and the public.

I fully agree with the thoroughly documented conclusion of this analysis that the charges against the Court "are completely unrelated to legal doctrine or historical context," and that these are the only valid standards for criticism of the complex work of the Supreme Court. When the cases cited in the attack are

matched against legal doctrine and historical context, it is found "(a) that many were decided on the basis of precedent—stare decisis—and therefore obviously did not represent a break with the past, and (b) that doctrines employed by the Court in cases involving national security—communism—are also employed in other types of cases." The attack wholly ignores the complex factual and legal issues in these cases and instead focuses entirely on the outcome. This "result-oriented" approach, as the analysis cogently demonstrates, produces absurd results if applied to other kinds of cases and has very serious implications for our constitutional democracy. Such an approach "depreciates the constitutional protections that all Americans enjoy" and undermines the very rule of law which is the basis of our system as contrasted with communism.

I ask unanimous consent that the memorandum may be printed in the RECORD at this point.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

SENATOR EASTLAND'S ATTACK ON THE U.S. SUPREME COURT—AN ANALYSIS AND RESPONSE

I

Several years ago, one of this country's greatest jurists, the late Learned Hand, counseled us wisely on the subject of criticism of the judges of the Supreme Court and other courts, whether Federal or State. Judge Hand said:

"While it is proper that people should find fault when their judges fail, it is only reasonable that they should recognize the difficulties. Perhaps it is also fair to ask that before the judges are blamed they shall be given the credit of having tried to do their best. Let them be severely brought to book, when they go wrong, but by those who will take the trouble to understand." (Hand, "How Far Is a Judge Free in Rendering a Decision," in "The Spirit of Liberty," 103, 110 (3d ed. 1960).)

The valid technique for evaluating the work of the Supreme Court is scrupulous legal analysis of the decisions themselves in light of their historical antecedents. Senator EASTLAND's charges against the members of the Supreme Court are completely unrelated to legal doctrine or historical context. Instead, he focuses solely on the results of cases, and measures these results by a distorting and oversimplified standard. A subsequent section of this memorandum contains comment on certain unfortunate consequences of Senator EASTLAND's method of criticism. This section will concentrate on legal analysis of the Supreme Court cases referred to by Senator EASTLAND in his attack on the Court.

As Judge Learned Hand indicated, it is not a simple matter to evaluate the work of the Supreme Court. The complexities of law and fact make treacherous any but the most comprehensive analysis. Nevertheless, inspection of a certain number of decisions may be helpful in demonstrating that the members of the Supreme Court, in the cases singled out by Senator EASTLAND, used well-established legal doctrines in reaching their conclusions. That individual Justices can differ as to the applicability of a legal doctrine in a particular case is merely further proof of the difficulty of the judicial task assigned the Supreme Court.

In view of limitations on space, only two methods of analyses will be employed. These show (a) that many of the cases cited by Senator EASTLAND were decided on the basis of precedent (stare decisis) and therefore ob-

vously did not represent a break with the past, and (b) that doctrines employed by the Court in cases involving national security (communism) are also employed in other types of cases.

A. Legal precedent

1. In *Curcio v. United States*, 354 U.S. 118 (1957), the question was whether the petitioner's personal privilege against self-incrimination under the fifth amendment attached to questions relating to the whereabouts of certain union books and records which he declined to produce pursuant to a grand jury subpoena. The Court unanimously held that it did.

It was well established by prior cases that custodians of the documents of associations, whether incorporated or unincorporated, had no privilege with respect to such records. e.g., *Hale v. Henkel*, 201 U.S. 43 (1906); *United States v. White*, 322 U.S. 694 (1944). It was equally well established that the custodian had a constitutional privilege to decline to answer questions about the whereabouts of such records when they no longer were in his possession. Thus, in *Wilson v. United States*, 221 U.S. 361, 385 (1911), Justice (later Chief Justice) Hughes said: "They (the custodians of records) may decline to utter upon the witness stand a single self-incriminating word. They may demand that any accusation against them be established without the aid of their oral testimony." And in *Shapiro v. United States*, 335 U.S. 1, 27 (1948), the Court said, "Of course all oral testimony by individuals can properly be compelled only by exchange of immunity for waiver of privilege." In view of these precedents, it is clear that the decision of the unanimous Court in the *Curcio* case was solidly grounded.

2. In the area of the fair administration of justice, *Gold v. United States*, 352 U.S. 985 (1957), is squarely based on *Remmer v. United States*, 350 U.S. 377 (1956); 347 U.S. 227 (1954), which involved income tax fraud. Gold had been convicted of filing a false non-Communist affidavit and the District Court judgment has been affirmed by an equally divided Court of Appeals. One of the issues was whether Gold had been deprived of a fair trial because "an FBI agent, investigating another case in which falsity of a non-Communist affidavit was also charged," had asked 3 members of the jury whether they had received propaganda literature, and also because other members of the jury had heard of the FBI contacts.

In a 6 to 3 per curiam decision, the Supreme Court held that a new trial should be granted, "because of official intrusion into the privacy of the jury." It is true, as the dissenters stated in *Gold*, that the *Remmer* opinion had said that tampering with a juror was only "presumptively prejudicial." However, the Supreme Court in its second opinion in the *Remmer* case ruled that the presumption could not be deemed rebutted and indicated that intrusion on a jury could be deemed nonprejudicial only in the rarest instances. 3. A series of cases illustrating both the principle of stare decisis and the fact that it is often difficult of application are *Galvan v. Press*, 347 U.S. 522 (1954), *Rowoldt v. Peretto*, 355 U.S. 115 (1957), and *Niukkanen v. McAlexander*, 362 U.S. 390 (1960).

In *Galvan v. Press*, it was held that an alien was properly ordered deported under section 22 of the Internal Security Act of 1950, two Justices dissenting on the ground that the provision was unconstitutional. In the *Rowoldt* case, after a careful review of the legislative history of the 1951 amendments to the Internal Security Act, a majority of the Court concluded that Congress did not intend the deportation of former members of the Communist Party unless their association was "meaningful" and had "political implications." The majority con-

cluded that the 1-year membership of the petitioner in the party during which he "didn't get a penny" nor betrayed any ideological identification with the party's unlawful aims was insufficient to warrant deportation. The dissenting Justices disagreed that the 1951 amendments required a "meaningful association" with the Communist Party, and thought that mere membership (which was conceded) was sufficient.

In the third case, *Niukkanen v. McAlexander*, the petitioner was an alien who had been brought to this country when less than a year old and who lived here for over 50 years. Although he was briefly a member of the party in the late 1930's, the testimony showed that he never was an officeholder, never was employed by the party, and never represented the party on any occasion. There was also testimony, as in the *Rowoldt* case, that the petitioner's sole interest in joining during the depression was in "bread and butter" and the "sufferings of the people." A majority of the Court held that because the trial examiner disbelieved certain testimony of the petitioner, the *Rowoldt* rule did not apply. Four Justices disagreed on the ground that undisputed evidence put the case squarely within the "meaningful association" rule of *Rowoldt v. Peretto*.

Ignoring the complex factual and legal issues in these cases, Senator EASTLAND simply counts as "pro-Communist" the votes of the dissenters in the *Galvan* and *Niukkanen* cases, and the majority in the *Rowoldt* case.

B. Application of legal doctrine to non-Communist cases

Some of the cases discussed immediately above had precedents not involving national security. Many other cases referred to by Senator EASTLAND involve doctrines that have been applied across the board, irrespective of the nature of the party before the Court.

1. *Sacher v. United States*, 343 U.S. 1 (1952), involved a contempt citation of defense counsel for 11 Communist leaders who were convicted of violating the Smith Act after a turbulent 9-month trial. During the Smith Act trial the judge repeatedly warned counsel that their conduct was contemptuous. Immediately upon receiving the jury's verdict of guilty, the judge, without further notice or hearing, found counsel guilty of criminal contempt and sentenced them to prison. On appeal, a majority of the Supreme Court affirmed the contempt conviction. The dissenting Justices contended that the citation for contempt should have been tried before a jury; that it should not in any event have been tried before the same judge who conducted the Smith Act trial; and that a full hearing was essential to due process of law. Senator EASTLAND has characterized the dissenters' votes as "pro-Communist," presumably because the defense counsel had been representing Communists on trial under the Smith Act.

But procedural protections have been jealously guarded in all kinds of contempt cases having nothing remotely to do with national security. Just last term, the Supreme Court reversed the conviction of an attorney held in contempt for his conduct during a civil antitrust suit (re *McConnell*, 370 U.S. 230 (1962)). Also last term, the Court held that the summary contempt power could not be used to punish out-of-court statements of a sheriff attacking as "agitation" and "intimidation" a grand jury investigation into alleged block voting by Negroes (*Wood v. Georgia*, 370 U.S. 375 (1962)).

There are many other decisions in favor of individuals on trial under the summary contempt power. In none of them could it fairly be said that the Court, or the individual Justices, were doing more than their duty to oversee the judiciary's awesome contempt power. Likewise, there is no basis for the conclusion that any sympathy existed for the cause of the defendant, or with his conduct. As Justice Frankfurter said

in dissent in the *Sacher* case itself (343 U.S. at 27-28):

"I would not remotely minimize the gravity of the conduct of which the petitioners have been found guilty, let alone condone it. But their intrinsic guilt is not relevant to the issue before us. This Court brought the case here in order to consider whether the trial court followed the proper procedure in determining that the misconduct of the petitioners subjected them to punishment. Time out of mind this Court has reversed convictions for the most heinous offenses, even though no doubt about the guilt of the defendants was entertained. It reversed because the mode by which guilt was established disregarded those standards of procedure which are so precious and so important for our society."

2. Many of the cases cited by Senator EASTLAND involve freedom of expression. In all of them the votes in favor of the individual's right to speak or publish are regarded as "pro-Communist." (E.g., *Dennis v. United States*, 341 U.S. 494 (1951); *Barenblatt v. United States*, 380 U.S. 109 (1959); *Scales v. United States*, 367 U.S. 203 (1961).)

Many of the same constitutional arguments urged by the dissenting Justices in the above cases, in all of which a majority ruled that no first amendment violation occurred, were equally pressed in cases not involving communism.

Thus, in *Beauharnais v. Illinois*, 343 U.S. 250 (1952), a majority of the Court upheld a conviction under a State criminal libel law against a speaker who was exposing Negroes to "contempt, derision, and obloquy." The dissenting Justices claimed that the conviction was unconstitutional as invading the defendant's right to freedom of speech. In *Terminiello v. Chicago*, 337 U.S. 1 (1949), a majority of the Court reversed a conviction for breach of the peace based on the defendant's speech attacking Jews, Catholics, and Negroes. The majority held that the defendant had a constitutional right to express his views, no matter how unpopular and how odious.

It makes as much sense to say that the votes selected by Senator EASTLAND were "pro-Communist" as to say that the Justices voting in favor of the first amendment in the *Beauharnais* and *Terminiello* cases were anti-Negro, anti-Jewish, and anti-Catholic.

3. Many of the cases referred to by Senator Eastland involve questions of statutory interpretation. He characterizes as "pro-Communist" certain votes in those cases without regard to their validity under established canons of interpretation.

(a) Construction of statutes to avoid constitutional issues: It is well established that courts will attempt to interpret statutes so as not to require a judicial ruling on constitutional questions. In the words of Chief Justice Taft, "It is our duty in the interpretation of Federal statutes to reach a conclusion that will avoid serious doubt of their constitutionality." (*Richmond Screw Anchor Co. v. United States*, 275 U.S. 331 (1928).) Again, as Chief Justice (then Justice) Stone wrote, what Congress has written "must be construed with an eye to possible constitutional limitations so as to avoid doubts as to its validity." (*Lucas v. Alexander*, 279 U.S. 573 (1929).)

In *United States v. Rumely*, 345 U.S. 41 (1953), the Court narrowly construed a congressional resolution authorizing an investigation of "lobbying activities" so as to include only "representations made directly to the Congress, its Members, or its committees" and not all activities intending "to influence, encourage, promote or retard legislation." As a result, a contempt conviction of a purveyor of literature of a conservative persuasion was overturned.

In *United States v. Witkovich*, 353 U.S. 194 (1957), the Court interpreted section 242(d) of the Immigration and Nationality Act so as

to deny authorities the power to require an alien under a final order of deportation to furnish information except with respect to his availability for deportation. A majority of the Court believed that serious constitutional questions under the first amendment would be presented by a contrary interpretation. Since the language of section 242(d) could fairly be construed to limit the authority to request information, it did so.

Senator EASTLAND counts the votes in favor of a narrow interpretation of the statute in *Witkovich* as pro-Communist, presumably because many of the questions asked by immigration officials related to *Witkovich's* possible membership in the Communist Party and activities on behalf of the party. Such a conclusion ignores the rule of statutory construction, as illustrated by the cases discussed above, that was in fact the basis for the decision.

(b) Strict construction of penal laws: A longstanding maxim of statutory interpretation cautions judges to interpret criminal statutes strictly in order to be sure, before a person is convicted and perhaps imprisoned, that defendants are punished only for violations that they could have avoided. As Chief Justice Marshall said over a century ago, in *United States v. Wiltberger*, 5 Wheat. 76, 95 (1820):

"The rule that penal laws are to be construed strictly, is perhaps not much less old than construction itself. It is founded on the tenderness of the law for the rights of individuals; and on the plain principle that the power of punishment is vested in the legislative, not in the judicial department. It is the legislature, not the Court, which is to define a crime, and ordain its punishment."

More recently, in *United States v. Universal C.I.T. Credit Corp.*, 344 U.S. 218 (1952), involving a prosecution for violation of minimum wage, overtime, and recordkeeping provisions of the Fair Labor Standards Act, the Court reversed a conviction by applying this doctrine. The Court said (344 U.S. at 222-23):

"Very early Chief Justice Marshall told us, 'Where the mind labors to discover the design of the legislature, it seizes every thing from which aid can be derived * * *'. (*United States v. Fisher*, 2 Cranch 358, 386.) Particularly is this so when we construe statutes defining conduct which entail stigma and penalties and prison. Not that penal statutes are not subject to the basic consideration that legislation like all other writings should be given, insofar as the language permits, a commonsensical meaning. But when choice has to be made between two readings of what conduct Congress has made a crime, it is appropriate, before we choose the harsher alternative, to require that Congress should have spoken in language that is clear and definite. We should not derive criminal outlawry from some ambiguous implication."

Senator EASTLAND lists among the votes labeled "pro-Communist" cases in which certain Justices employed the canon of strictly construing penal statutes. (E.g., *Yates v. United States*, 354 U.S. 298 (1957); *United States v. Fleischman*, 339 U.S. 349 (1950).) Whether or not they were correct in doing so, is a difficult question of law in each case. What is not difficult is to see that the doctrine is a confirmed part of the law of legislative interpretation; that its use is common in the Supreme Court in a wide variety of contexts; and that to brand Justices who use it in a case that happens to involve national security as voting "pro-Communist" is totally unjustified.

II

As already has been mentioned, the proper basis for criticism of decisions of the U.S. Supreme Court is a rigorous legal and historical analysis of the cases themselves. But because Senator EASTLAND did not content

himself with making charges based on such a standard, it is necessary to go beyond the decisions and show the weakness of his allegations in other respects.

In the course of his remarks, despite certain intimations in the language employed, Senator EASTLAND at no point charged that individual members of the Supreme Court, or the Court as an institution, ever had the motive of advancing the Communist cause or weakening this country's ability to preserve its democratic form of government.

This is not surprising. To impute such motives to the men sitting on the Supreme Court would be ridiculous—tantamount to the assertion, in a wide variety of other cases, that a vote in favor of a particular result necessarily coincided with sympathy on the part of the individual Justice for the party for whom he cast his vote. Thus, to suggest a "pro-Communist" purpose to the Justices of the Court would be to make a similar charge in the following cases, among many others.

1. That the votes of Justices Black, Douglas, Murphy, and Rutledge in *Adamson v. California*, 332 U.S. 46 (1947), indicate their sympathy for murderers because they voted in favor of the position advocated by counsel for accused murderers. The real question in that case was whether the due process clause of the 14th amendment to the Constitution prohibited a State prosecutor from commenting on the fact that a criminal defendant did not take the stand to testify on his own behalf.

2. That the votes of Justices Frankfurter, Black, Reed, Douglas, Jackson, Burton, Vinson, and Clark in *Rochin v. California*, 342 U.S. 46 (1947), indicate their sympathy for narcotics peddlers because they voted in favor of the position advocated by counsel for alleged narcotics peddlers. The real question was whether the due process clause of the 14th amendment to the Constitution permitted police to obtain evidence of a narcotics violation by forcing an emetic solution through a tube inserted in a man's stomach.

3. That the votes of Justices Clark, Black, Frankfurter, Douglas, Jackson, Burton, Vinson, and Minton in *Hoffman v. United States*, 341 U.S. 479 (1951), indicate their sympathy for racketeers because they voted in favor of a position advocated by counsel for alleged racketeers. The real question was whether an individual properly declined to answer questions during a grand jury investigation on the ground that the privilege against self-incrimination of the fifth amendment to the Constitution justified the refusal.

4. That the votes of Justices Black, Douglas, Reed, and Jackson in *Beauharnais v. Illinois*, 343 U.S. 250 (1952), indicate their sympathy with racists because they voted in favor of a position taken by certain avowed racists. The real question was whether the liberty of speech and of the press guaranteed as against the States by the due process clause of the 14th amendment to the Constitution prohibited a conviction for portraying "depravity, criminality, unchastity, or lack of virtue of citizens of the Negro race."

5. That the votes of Justices Douglas, Black, Reed, Burton, and Vinson in *Terminiello v. Chicago*, 337 U.S. 1 (1949), indicate their sympathy with Nazis because they voted in favor of a position taken by a Nazi sympathizer. The real question again involved the scope of the protection offered, even to words calculated to invite sharp dispute and anger, by the free speech guarantees of the Constitution.

6. That the votes of Justices Douglas and Black in *Hannah v. Larche*, 363 U.S. 420 (1960), indicate their sympathy with segregationists because they voted in favor of a position restricting investigative rights of the U.S. Commission on Civil Rights. The real question was whether rules of procedure of the Commission which denied to persons

against whom complaints have been filed the right of cross-examination of witnesses are consistent with the protection offered by the due process clause of the fifth amendment to the Constitution.

It is no more bizarre to suggest that the present and past Justices of the Supreme Court sympathized with the causes of the parties in the above cases than to make the same suggestion in cases involving national security. Accordingly, it should be no surprise that Senator EASTLAND refrained from charging that members of the Court were purposefully advancing the cause of communism by their votes in the cases he selected.

III

If Senator EASTLAND did not mean to accuse the Supreme Court of lending conscious aid to enemies of the United States, then he meant that the effect of the Court decisions and the votes of individual Justices aided communism. This must be taken as the heart of the Senator's charges, and it is this that deserves response and refutation.

This position, when analyzed, discloses a particular attitude toward two distinct and important matters of government: (1) the function of the Supreme Court of the United States, including the proper basis for criticism of its rulings, and (2) the nature of the constitutional democracy known as the United States of America. On both issues the view expressed by Senator EASTLAND is subject to severe criticism.

A. The Supreme Court

At the outset, let it be made clear that the Supreme Court should no more be immune from criticism than any other governmental organization in a functioning democracy. Such criticism is vital if institutions are to reflect the general will of the people. But not all criticism stands on an equal footing, and the charges leveled by Senator EASTLAND neither fairly assess the work of the Court nor make any contribution to its improvement.

Senator EASTLAND evaluates decisions of the Supreme Court according to their result and in so doing considers only one criterion—whether the decision is "pro-Communist" or "anti-Communist." Prof. Robert Girard has said that such epithets, like the label "pro-Communist," "signify nothing more than that their author either agrees or does not agree with a particular decision or group of decisions by the Court. If he thinks the Court should not have interfered as it did, then you have 'judicial legislation' or, even worse, 'judicial usurpation,' depending upon the intensity of the author's conviction. If the Court should have stepped in when it did not, the result is 'judicial abnegation.' On the other hand, if the Court's response meets his fancy, then you are blessed with 'judicial restraint' or 'judicial statesmanship.'" (Girard, Book Review, 11 Stan. L. Rev. 800, 804 (1959).)

Prof. Henry M. Hart has pungently parodied the kind of result-oriented criticism that Senator EASTLAND has engaged in, "One up (or one down) for subversion," "one up (or one down) for civil liberties." (Hart, foreword: "The Time Chart of the Justices," 73 Harv. L. Rev. 84, 125 (1959).)

This kind of criticism, like the accusations of Senator EASTLAND, is known as "result-oriented" to students of the Supreme Court. It is unfair and narrow. It ignores the law governing a particular legal or constitutional issue, or the reasoning by which a particular result is reached.

But before a ruling of the Supreme Court can be properly evaluated, it is necessary to know more than which side won. It is necessary to study the facts and the law governing a particular controversy, including the arguments prepared by counsel versed in the case. A proper respect for the Court requires such candid recognition of the com-

peting legal claims and constitutional values. Proper criticism takes account of this, and judges the Court according to professional standards appropriate to its work.

Once again, it must be repeated, the Supreme Court does not and should not stand above criticism. But the criticism must be intelligent and discriminating, fitting to the high function of our highest Court. Perhaps the true standard for critics of the Court should be the same as that to which we expect the Justices themselves to adhere. In the words of Dean Griswold of Harvard Law School:

"It is a process requiring great intellectual power, an open and inquiring and resourceful mind, and often courage, especially intellectual courage, and the power to rise above oneself. Even more than intellectual acumen, it requires intellectual detachment and disinterestedness, rare qualities approached only through constant awareness of their elusiveness, and constant striving to attain them." (Griswold, foreword: "Of Time and Attitudes," 74 Harv. L. Rev. 81, 94 (1960).)

Senator EASTLAND's criticism surely does not measure up to this exacting and high standard.

B. Constitutional philosophy

As already mentioned, the sole guide to Supreme Court decisions, according to Senator EASTLAND, is whether the ruling is or is not "pro-Communist." The fallaciousness of this standard as a means of judging the work of the Supreme Court has already been discussed. This portion of the memorandum will deal with some implications of this standard for our constitutional democracy.

In almost every case cited by Senator EASTLAND, an individual, several individuals, or an organization was asserting a claim under the Constitution of the United States. In some of these cases the claim was accepted by the Court, on other occasions it was rejected. Senator EASTLAND's view is that when the claim was recognized by a Justice, his vote was "pro-Communist." This is an incorrect and dangerous attitude in terms of the high purposes of the Constitution and the Bill of Rights.

Why should not a vote in favor of a constitutional claim be counted "pro-American" rather than "pro-Communist"? Do not such votes serve to extend the liberties protected by the Constitution? Why could it not be said, with fervor at least equal to that of Senator EASTLAND's, that when a vote is cast in favor of freedom of speech or of the press or of religion, or to protect individuals against unwarranted searches of their homes or person, or to assure criminal defendants a fair trial, or to invalidate governmental action that discriminates on the basis of race, creed, or color, that the Justice is fulfilling the high trust imposed upon him by his oath to "uphold the Constitution of the United States"?

The precedent for this view, contrary to Senator EASTLAND's, is long and weighty. The principal architect of the Constitution, James Madison, said in the very first Congress that "independent tribunals of justice will consider themselves in a peculiar manner the guardians of these rights." (1 Annals of Congress 439 (1789).) Madison was speaking of rights guaranteed to the people by the Bill of Rights.

The decisive importance to this country of the freedoms guaranteed by the Bill of Rights can be illustrated by taking two brief excerpts from talks recently delivered by members of the Harvard Law School faculty to audiences abroad in which they described the essence of the American system. Senator EASTLAND's chart includes different types of cases involving the Bill of Rights; a high proportion of them dealt with freedom of speech and the rights of those accused of crime. Prof. Livingston Hall had this to say about the rights of the accused:

"... Our traditional and cultural heritage of due process of law has greatly inspired and influenced the lives and activities of the millions of individuals, living and dead, who have made up Anglo-American society. Rules of criminal procedure which treat human beings as individuals, and hold each one individually responsible only for his own acts, leave them free to go about their business, secure in the knowledge that they will not be unjustly punished by the State. This has had a great effect in releasing their energy for productive and imaginative ends." (Talks on American Law, 68-69 (Berman ed. 1961).)

And, in discussing the pivotal right of free expression, Prof. Roger Fisher said:

"Fundamental among the purposes of the first amendment is the role of free expression in the democratic process. Free expression is a means of developing public opinion. Free expression is an aid to an intelligent choice. And free expression provides an opportunity to make a choice. New and better ideas are most likely to be developed in a community which allows free discussion of any ideas. Without discussion who can be sure which ideas are right and which ideas are wrong? Finally, freedom of expression serves as an outlet for resentments and hostilities that otherwise might find more dangerous expression." (Talks on American Law, 88-89 (Berman ed. 1961).)

A particularly moving statement of the enduring value of the freedoms guaranteed by the Constitution has been made by Prof. Charles Black of the Yale Law School. It capitalizes the reasons for believing that decisions of the Supreme Court and votes by individual Justices in favor of enforcing the provisions of the Bill of Rights are patriotic in the most meaningful sense. "Consider the place of these phrases 'equal protection,' 'freedom of speech,' and the rest in the moral life of our Nation. They state our highest aspirations. They are our political reason for being; they are the things we talk about when we would persuade ourselves or others that our country deserves well of history, deserves to be rallied to in its present struggle with a system in which 'freedom of speech' is freedom to say what is welcome to authority, and 'equal protection' is the equality of the cemetery. Surely such words, standing where they do and serving such a function, are to be construed with the utmost breadth." (Black, "Old and New Ways in Judicial Review," Bowdoin College Bulletin No. 328, p. 11 (1958).)

As wholeheartedly as one may subscribe to the above views, it is well to recall that they do not decide concrete cases. To decide properly, as has been emphasized above, one must study and reflect upon the law, the facts, and the contentions of the parties.

The point here is different, but no less important. It is that Senator EASTLAND's methodology deprecates the constitutional protections that all Americans enjoy. It is impossible to accept the facile label "pro-Communist" without recognizing that the Senator includes within that definition Supreme Court decisions and votes of individual Justices that enforce the Bill of Rights—decisions and votes that do not seem alien to our heritage, but, on the contrary, are in the finest American tradition.

The attack by Senator EASTLAND on the Supreme Court and its members has now been analyzed from several points of view. It has been shown that there is no basis for any possible claim that in their rulings the Justices were motivated by sympathy for communism. It has also been shown that the criterion employed by Senator EASTLAND in evaluating the work of the Supreme Court ("pro-Communist" or "anti-Communist" decisions) has no validity in terms of the Court's complex constitutional role. Finally, examination of a sample of cases indicates that the Court's rulings rest on solid ground. Accordingly, it must be concluded that Sena-

tor EASTLAND's charges totally lack foundation.

Mr. JAVITS. I may add that I called to the attention of the office of the Senator from Mississippi [Mr. EASTLAND] the fact that I would make these remarks on the floor, and undoubtedly they will have the Senator's attention.

INTRODUCTION OF URBAN RE-NEWAL RELOCATION BILL

Mr. JAVITS. Mr. President, I introduce for appropriate reference a bill to amend title I of the Housing Act of 1949 to increase the maximum amount of relocation payments made to commercial tenants displaced by urban renewal projects. I hope that the agencies involved will begin their study and evaluation of this proposal before the beginning of the next Congress. The bill deals with a major problem in urban renewal which has remained unresolved since its inception; compensation for the loss of good will built up by small businessmen over years in one location. Under the bill, payment would be equal to one-half the average annual net taxable income realized from the operation of the business during 3 years prior to the date of displacement. Two limitations are imposed upon such payments: First, the business concern must have been continuously located in the urban renewal area for 3 consecutive years prior to being displaced; and, second, no payment may exceed \$7,500.

Relocation assistance has been a part of the urban renewal program since 1956 in a form which compensates business tenants for such costs as moving expenses and fixtures which are lost. My amendment to the 1961 Housing Act resulted in removing the maximum limitation of \$3,000 upon such costs, which was too low. I am most gratified that as of yesterday, as a provision of the Highway Act of 1962, a comparable provision for tenant relocation for both individual and commercial tenants, the result of a long campaign on my part, was accepted by both Houses of Congress.

However, a vital problem remains for many small businesses, particularly retail establishments, whose moving expenses may be very low but whose very continued existence is dependent on re-establishing good will which the long conduct of business in one place builds up. Hence my bill. During the past year the Wall Street Journal and the New York Times both discussed this problem very effectively. I ask unanimous consent that the articles be printed in the RECORD in full at this point in my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Jan. 1, 1962]

DISPLACED BUSINESS—MANY FIRMS EVICTED BY FEDERAL PROJECTS FACE RELOCATION WOES—URBAN RENEWAL, NEW ROADS HIT SMALL STORES HARDEST; WHAT'S GOOD WILL WORTH?—CASE OF THE CHICKEN "FLICKER"

(By Stanley W. Penn)

NEW YORK.—In a small pastry shop on Manhattan's West 96th Street, two saleswomen cheerfully wait on a handful of customers. But in a dimly lit room in the

rear, Elemer V. Vadasz, the Czech-born, 59-year-old proprietor, sits near a writing table, shaking his head gloomily. "I've been in this location for over 9 years," he says. "My wife and I worked like horses 12 to 14 hours a day to make something out of this place. Now they come and kick us out."

Mr. Vadasz' shop, Andre's Fine Pastries, is smack on the spot of a proposed 22-story apartment building, a part of an urban renewal project covering a hunk of Manhattan's West Side between 87th and 97th Streets. An estimated 360 groceries, clothing stores, drugstores and other small businesses will be forced out of the neighborhood to make way for the new buildings.

The plight of Mr. Vadasz and businessmen like him points up one of the little-realized side effects of the Federal Government's huge urban renewal program. More broadly, the cases focus attention on the laws regulating government acquisition of private property. These laws are touching an increasing number of businesses these days as the federally aided urban renewal and interstate highway programs, among others, grow in size and scope.

DISLOCATIONS MOUNT

From 1949 until last year, an average of 1,600 small businesses a year were forced to relocate because of the urban renewal program alone. For 1961 the figure is believed to have reached 4,000 and it is expected to continue to mount as the volume of urban renewal projects rises. No figures are available on business dislocations caused by right-of-way acquisitions for the Interstate Highway System, but property purchases account for an important share of the \$12 billion spent and \$29 billion more scheduled to be spent on the program.

There is no doubt about Government's right to take over private property for public use or purpose, even against the wishes of the owners, if it gives just compensation. This right is known as the power of eminent domain. The right resides in both State and Federal Governments, which may delegate it, as they often do, to municipalities.

In practice, however, this power is raising a number of questions of social and economic significance. Among them: Are displaced businesses adequately compensated for their property losses? Should they be compensated for goodwill, an intangible but vital ingredient in nearly all commercial undertakings? Can evicted small businesses, with limited human and financial resources, make successful transitions to new quarters? Is it an unavoidable result of urban renewal that a certain percentage of small, family-run stores—often called momma-poppa shops—are bound to bow to competitive stresses and pass out of existence?

One Federal Government urban renewal source estimates that between 15 and 20 percent of the small businesses displaced by redevelopment projects never reopen their doors. Concedes one city planner: "The marginal shops are lost, unfortunately. These are mostly elderly people—the small tailor, the pawnbroker, dealer in secondhand clothes, and the like."

MORE PROJECTS, MORE MONEY

The Urban Renewal Administration, a branch of the U.S. Housing and Home Finance Agency, says 913 redevelopment programs in 509 localities currently are planned or in execution. This compares with 650 projects in 389 places planned or in execution at this time 2 years ago. The urban renewal agency last year won from Congress a \$2 billion appropriation which it may spend as fast as it wishes—a striking contrast to the \$2 billion the Agency received through all of the past 12 years.

Title 1 of the Federal Housing Act of 1949 provides that the Agency may dispense these funds to municipalities to get rid of substandard buildings, both residential and

nonresidential, and to rehabilitate existing buildings. The cities may purchase the property to be redeveloped from the private owners, then resell it to redevelopers at a lower price. Uncle Sam makes up two-thirds to three-fourths of the cities' losses; the cities bear the remaining costs, sometimes with State help.

So far most urban renewal projects have been in blighted residential areas and the businesses displaced largely have been corner groceries, candy stores and similar small enterprises. But down-at-the-heels business districts are expected to come in for increasing redevelopment. The Urban Renewal Administration was empowered by Congress last year to spend up to 30 percent of its money to redevelop residential and business slums for predominantly industrial and commercial use. Previously, the maximum was 20 percent. "This means more opportunity to do redevelopment work in downtown areas," an Urban Renewal official says.

Besides the money an owner receives in payment when his property is taken by a government, the occupants of the premises are reimbursed for their moving expenses. But many displaced businessmen still complain that moving imposes a financial hardship on them.

The 56-year-old proprietor of a small meat shop near Yale University in New Haven, Conn., puts it this way: "I've been here 30 years and now they tell me they need my place to put up a park. Where can I go? I pay \$75 a month rent here. I can't get that sort of rent elsewhere. I'll probably have to go to work for a meat chain—if I can get a job."

Retailers, restaurateurs and others who would like to remain in their neighborhood after it has been redeveloped face an extremely difficult problem: How to survive the 2 to 5 years it usually takes from the time they must vacate their quarters until new structures have been put up.

The proprietors of Manhattan's Eldorado Pharmacy, which was forced by an urban renewal project to vacate its building at West 91st Street and Columbus Avenue, originally planned to hang on in this neighborhood. "We had a good business there and we thought we'd move across the street to a temporary location, then find a permanent spot after the area was redeveloped," recalls Mrs. Sylvia Wollan, whose husband runs the store.

But the Wollans had to change plans. "The tenants around us moved out and it became a ghost area," says Mrs. Wollan. "We were robbed twice and our insurance was canceled. One of our display windows was broken and it cost \$125 to replace it. It wasn't safe to stay in the store any longer." So the Wollans moved their business to Broadway and West 100th Street. "I don't think we'll get back half our old business," Mrs. Wollan asserts.

NOTHING FOR GOODWILL

The shopkeepers and other small businessmen hit hardest by urban renewal are those who rent or lease their quarters and do not share in payment for the property. Forced to get out, they receive moving expenses but often must leave behind fixtures that they have had installed. Federal law provides some compensation for this property loss, but specifies that if a displaced business claims both moving expenses and property losses, the total claim cannot exceed \$3,000. Thus, if a business' moving expenses alone total more than \$3,000, it must bear any property loss itself. In addition, the displaced businesses lose their goodwill. One retailer threatened with eviction grumbles that his "goodwill" should be worth something. Says he: "I have to find a new location, and it means new customers. In other words, I have to start all over again."

An official of one city redevelopment agency tells about a woman who runs a

rooming house in a site designated for urban renewal. "The woman rents the house," this official says, "but she had to pay \$5,000 for the business. Now we are coming along and acquiring the property. The woman is wiped out unless she can get something out of the owner. The law says we can pay only for real property."

Many observers believe the loss of small neighborhood shops is unfortunate from the social as well as personal view. "These people work long hours," comments James H. Scheuer, president of Renewal & Development Corp., a New York-based developer of urban renewal projects. "Maybe they make \$5,000 to \$6,000 a year, but it is a way of life to them. They get a feeling of satisfaction in running their own businesses. These people are a vital part of the neighborhood. When the corner druggist stays open late, for instance, he's a sort of informal policeman in the area. When you only have these big buildings, without little focal points such as drugstores or coffee shops, you create a sterile neighborhood."

Dislocation can have a good side, contends Robert B. Pease, executive director of the Urban Redevelopment Authority of Pittsburgh. "Some of these momma and poppa stores are just hanging on. In some cases, we've rescued these people from hopelessness by buying their properties."

CASE OF THE CHICKEN "FLICKER"

Mr. Pease tells of a chicken "flicker" who ran machines for taking feathers off chickens. "His business was falling off and he couldn't afford to keep the building he owned," Mr. Pease recalls. "We bought the building and he went off to Florida to sell candy. I'm sure he is better off. The building wasn't even sanitary."

One of the inconsistencies—inequities, some businessmen call them—in the laws governing public acquisition of private property centers on an important difference between the Federal highway and housing programs. Businesses forced by highway right-of-way acquisitions to find another site are not entitled to the moving expenses received by shops dislocated by urban renewal projects.

This difference has led to several bizarre situations. One such case: When Providence, R.I., turned a rundown section of the city into an airy industrial park not long ago, the small businesses evicted from the redeveloped area were compensated at least in part for their moving costs. At about the same time, the State of Rhode Island purchased some nearby land for an expressway planned as a link in the interstate highway system. But the small enterprises forced out by this project received nothing for moving. In some instances, only a few hundred yards separated those who were paid from those who weren't.

AWARENESS OF PROBLEM

The House Committee on Public Works set up a subcommittee on real property acquisition last year to study this problem. At least one State, Maryland, has acted on its own to require payment of moving expenses to a business forced out by State or city acquisition of private property. The State makes the payments.

City planners and redevelopment authorities have been showing greater awareness lately of the problems of dislocated small businesses.

Robert J. Bliss, executive director of the Hartford, Conn., redevelopment agency, says "we'd rather go slow" in relocating firms "and not have any bad public relations." Mayor Leo P. Carlin of Newark set up a Committee on Small Business Relocation Needs early last year. One of the committee's first jobs has been to help businesses being forced out of parts of the central business district in Newark.

New Haven is one city which already has aided businesses in this way. Harry Svirdoff, business relocation officer for the New Haven Redevelopment Agency, has helped nine businessmen displaced by the city's Church Street urban renewal project relocate temporarily in a one-story building in the downtown area. The building was put up with \$25,000 of city money and \$28,000 of the businessmen's money. The businessmen pay only for maintenance and insurance; when they move to permanent quarters in the redeveloped Church Street area, the city will take over the building.

Owners of properties taken by a government often must endure considerable delays before they receive their payments. In New York, for instance, the amounts paid for private property often are decided by the courts. This is because the city and property owners rarely can get together on a price. "In Manhattan, claims are so high," one source in the city government says, "we just proceed to trail in practically everything."

New York City is authorized to pay 75 percent of the assessed value of the property immediately after its acquisition. But even this often takes time. Both sides obtain appraisers and frequently there are major discrepancies in the appraisers' findings. The city must pay 4 percent interest on the difference, if any, between what it pays immediately after a property's acquisition and what it ends up paying after negotiation or litigation. However, one automotive supplier forced out of Manhattan's Lincoln Square area several years ago, complains that this interest rate is unrealistic.

"We had to put up a new and bigger building at our new site," this supplier says. "We had to borrow money to do it. We were borrowing at 5 and 6 percent interest while the city was paying us only 4 percent." This executive says it took a year and a half from the time the city acquired his property to the time it made the first payment. "And we still haven't been paid in full," he adds glumly.

Not all businessmen touched by urban renewal are unhappy over their experience, however. In New Haven's Oak Street Title I project, five displaced property owners joined forces, raised \$210,000 and built a building. They then formed a corporation, called College Plaza, to serve as landlord for the building, and, along with five "outside" businesses, rented space in the new structure. Charles J. Brown, president of the landlord corporation as well as owner of James Brown & Son, one of the tenants, says the five owner-tenants are highly pleased with the move. "Our own business, a wallpaper and paint shop, has improved continually since we moved into the new building," Mr. Brown comments.

[From the New York Times, Mar. 5, 1962]
PROJECTS PLAGUE SMALL MERCHANT—PROBLEM OF COMPENSATION FOR RELOCATION HAS NOT YET BEEN RESOLVED

(By Martin Arnold)

What two small businessmen in two different sections of New York have to say points up one of the most serious relocation problems in the city's housing and redevelopment programs.

One says:

"I cater to people in my area. I cannot go, say, to Forest Hills with the articles I sell to East Harlem laborers."

The other says:

"Nobody is thinking about me. I'll go on home relief when they throw me out of this store. I haven't the capital to start again."

Last year a total of 1,528 commercial tenants had to be relocated from public improvement areas in the city, according to the department of real estate.

Since 1954, when the department started to keep count, 13,907 such tenants have had to move.

The vast majority of these are small merchants—delicatessen owners, grocers, drug-store owners, drycleaners and tavern keepers.

NATURAL ATTRITION

In addition, the Housing and Redevelopment Board estimates that natural attrition, such as the death or retirement of a shopkeeper, kills 2,000 to 2,500 more small businesses annually.

Individual cases of relocation illustrate the problem.

Michael Gimino, 45 years old, and his brother, Louis, operate a grocery at 749 Columbus Avenue, near 97th Street.

They have been in the same spot for 15 years. A butcher in the store shares the \$160 monthly rent.

It was Michael Gimino who threatened last week, not too seriously, to go on relief with his wife and two children when the West Side urban renewal program forced him out of the store.

"I've lived on this street all my life," he said. "I know everybody here and they know me. I give credit and service. The supermarkets wouldn't do this. I haven't the money to start again in a new section, and I wouldn't be able to afford the rents when this one is rebuilt."

CO-OP POSES PROBLEM

Stanley Unger, who owns an Army-Navy store at the corner of 107th Street and Third Avenue, is a member of the executive board of the East Harlem Merchants Association and is a director of Franklin Plaza, a city-built middle-income cooperative across the street from his shop.

Mr. Unger said that "about 200 merchants have been driven out of East Harlem by Franklin Plaza." He estimated that other projects in the East Harlem area had forced more than 2,000 such merchants to close.

"Ninety percent of them don't come back," he noted. "The problem for a shopkeeper who wants to return to the neighborhood is to survive until he can get back."

Of the 31 store sites in Franklin Plaza, the board of education has agreed to rent 7 for a kindergarten through second-grade school; the Union Dime Savings Bank has agreed to rent 6 stores and several supermarket chains are bidding for a site. Only 5 merchants of the 2,000 relocated from East Harlem are planning to come back.

RENTS ARE HIGHER

Merchants in the area generally pay rents of \$40 a month to \$200 a month, depending on the store size. But, Mr. Unger said, "Franklin Plaza rents start at \$200 and go up to \$500." He says these rents are too high.

For a long time, the displaced small merchant received no compensation.

But now there is a standard city compensation formula for commercial tenants moved from all city public improvement projects and a different one for tenants moved from Federal urban renewal projects.

The city's latest "commercial move-out allowance" is equal to six times the monthly rent paid, with a minimum of \$250 and a maximum of \$3,000.

In addition, the commercial tenant is allowed "fixture awards," which are agreed upon by the tenant and the city or set by a Supreme Court ruling.

The formula applies to all city improvement projects, such as housing developments, school sites, and port authority relocations. The city is totally reimbursed by the Federal Government.

On Federal urban renewal sites the situation is different. The Federal Housing Act of 1961 sets no maximum for certified, actual moving expenses.

However, if a commercial tenant claims direct loss of property or a combination of such loss and moving expenses in a Federal program, the maximum remains at \$3,000.

But nowhere is there compensation for a commercial tenant's goodwill.

"If I moved my store a few blocks away, where I didn't know the people in the area," Mr. Unger said, "I couldn't give credit to customers. My business might be ruined. This would come under goodwill. But I wouldn't be paid for that."

MOVING THE MERCHANDISE

He added:

"Nor are small businessmen paid for their merchandise. I might have \$30,000 worth of stuff in my store. It will sell where I am located."

"If the city were to make me move I could move the merchandise so I wouldn't be paid for it. But could I sell it, say, in Forest Hills? No. I would have to buy different items."

"This has happened to merchants forced out of East Harlem and other areas."

Herman Badillo, deputy commissioner of the real estate department, said that he simply did not know how legislation compensating for goodwill could be drawn up.

"It would have to cover every type of business," he said. "Should a man be compensated if he moves four blocks from his present site but not two? These would be the problems."

FACED BY RUIN

Yet nearly every official concerned agrees that in a small marginal business a man can be financially ruined by being forced to move only several blocks.

Store space in or near housing developments is offered first to former site tenants, but they seldom can afford the increased rents.

Or, if they can afford the increase and do want to return to the area, they have the problem of surviving the year or two while the new development is under construction.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3808) to amend title I of the Housing Act of 1949, to increase the maximum amount of relocation payments to be made to a business concern displaced by an urban renewal project and to provide a method for ascertaining the amount of such payments, introduced by Mr. JAVITS, was received, read twice by its title, and referred to the Committee on Banking and Currency.

A COMMISSION FOR THE REVISION OF FEDERAL AGRICULTURAL LAWS AND PROGRAMS

Mr. JAVITS. Mr. President, I introduce, for appropriate reference, a joint resolution to establish a Commission for the Revision of Federal Agricultural Laws and Programs. Of course, I am aware that nothing can be done toward the enactment of this proposal during this session of the Congress. However, I believe that its official printing at this time may engender study and discussion of the implications of such a Commission to prepare the way for speedy consideration by the next Congress.

Current agricultural programs are costing the U.S. taxpayers an annual average of \$6 billion a year. Ironically, we are asking our fellow citizens to shoulder this tremendous burden without even being able to show some hope

for its future diminution and without being able to claim that it represents anything but a year-by-year holding operation. I believe that there is no other program undertaken by the U.S. Government which meets both of these negative criteria:

First. No hope for probable termination in the future, and

Second. No current effective accomplishment except holding the line.

Mr. President, it is for this reason that we must look to a thorough reevaluation of laws and policies in this field. I do not think that the Department of Agriculture, involved as it is with political policy made by the administration and day-to-day administration of the agricultural program, can do this job. It certainly will lend its expertise to such an effort as recommended by my joint resolution.

Mr. President, in other nations there are lay commissions to do this job. We too have our precedent for special study commissions such as the Hoover Commission. We have no better means in this Nation for working toward the total national interest than the synthesis of ideas among our legislators, administrators, and those from the private economic sector. Such a synthesis is the overriding need, if we are to solve the growing problems of agriculture in the interest of national policy. I very much hope that my proposal will serve as a basis for study before the next Congress and for action next year.

ARMORY SHOW OF 1913—COMMEMORATIVE POSTAGE STAMPS

Mr. JAVITS. Mr. President, I introduce, for appropriate reference, a bill to provide for the issuance of a special series of postage stamps in commemoration of the 50th anniversary of the original "Armory Show of 1913" held in New York City.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3809) to provide for the issuance of a special series of postage stamps in commemoration of the 50th anniversary of the original "Armory Show of 1913" of New York City, N.Y., introduced by Mr. JAVITS, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

CUBA—THE PERIL OF THE ANTILLES

Mr. JAVITS. Mr. President, the Communist presence in Cuba, carrying with it increasing threats to the tranquility of the Western Hemisphere, poses for the United States problems for which ready solutions do not appear at hand. It is vital that, if we are to act with the intelligence and forthrightness required in this crisis, Americans must be informed both as to the facts and as to solutions offered. In the October 5 issue of *Life* magazine, Clare Boothe Luce, distinguished former U.S. Ambassador to Italy and formerly a member of the House Committee on Foreign Affairs, presents her exposition of the Cuban situation and offers solutions for our dilemma

there. Her article is, as is characteristic of Mrs. Luce, provocative and strong, it merits reading and consideration by all who seek to be informed on the difficulties which beset us in the Caribbean today. Mrs. Luce's article is appended hereto.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CUBA AND THE UNFACED TRUTH—OUR GLOBAL DOUBLE BIND

(By Clare Boothe Luce)

During a nationally televised press conference a few weeks ago President Kennedy said, "I would like to * * * set [the Cuban situation] in perspective." This is precisely what he has failed to do. By resting the case against intervention on a shockingly erroneous estimate of our Cuban dilemma, the President has evaded a desperately urgent task—to alert the people of this Nation to the grave dangers we face.

What are the facts?

"The President feels that Cuba is a bone in his throat." So spoke one of President Kennedy's aids soon after the abortive invasion of the Bay of Pigs. Since then the obstruction in the Presidential gullet has become a large bone of national and international contention. How did it get stuck there in the first place? How big and how dangerous is it? Can it be dislodged short of war?

The President naturally wants to keep these awkward questions out of this fall's congressional elections. But the failure to ask them and to answer them is fraught with danger to the Nation.

Castro began as a bone in the throat of the Eisenhower administration 4 years ago. Two years later, Candidate Kennedy did his eloquent best to get Mr. Nixon to "strangle" on it. Picking the decline of American safety and prestige as his theme, Kennedy pointed to the rise of Castro as prime evidence that "our security and leadership are both slipping away." His Cuban policy was to "let the Cuban people know our determination that they will someday again be free," to "let Mr. Khrushchev know that we are permitting no expansion of his foothold in our hemisphere," and especially to "end the harassment * * * of liberty-loving anti-Castro forces in Cuba and in other lands. Thus far," Candidate Kennedy said, "these fighters for freedom have had virtually no support from our Government. Hopefully," he said, "events may once again bring us an opportunity to [act] on behalf of the cause of freedom in Cuba."

Hopefully, events did bring the newly elected President this opportunity. In April 1961 President Kennedy authorized the Cuban invasion. But at the last and fateful hour he ordered the withdrawal of decisive U.S. air support, abandoning 1,400 "liberty-loving anti-Castro fighters for freedom" to Castro's tanks, jails and firing squads. His profile in courage turned into a profile of indecision.

In 1960, addressing himself to the military aspect of the Cuban situation, Senator Kennedy said, "I think Castro is a source of maximum danger. * * * A Communist menace * * * has been permitted to arise under our very noses, only 90 miles from our shores. * * * [Castro's] transformation of Cuba into a Communist base of operations * * * by jetplane, missile or submarine * * * is an incredibly dangerous development." Thus, he warned, "the whole Western Hemisphere security system is drastically threatened."

Today President Kennedy says, "Rash talk is cheap, particularly on the part of those who do not have the responsibility [for decision]." Referring to Soviet shipments to Cuba, the President now says that these "do not constitute a serious threat to any other

part of this hemisphere." He strongly denies that the Communist buildup is such as "to endanger or interfere with our security," or that Cuba is "an offensive military base of significant capacity."

Why is President Kennedy so relatively calm today?

The President and his advisers have constantly failed to understand that the same ideological, political and military necessities which make it essential for the United States to maintain Berlin as a "showcase of democracy" on Russia's border are operating today from Moscow, to maintain Cuba as a "showcase of communism" on our shores.

Castro's Cuba, still only 90 miles off our shores, has the second strongest ground army in our hemisphere. Estimated at 400,000 men, including militia, it has received, since the failure of the invasion, over \$175 million in military aid and supplies from Communist-bloc countries. Communist-made jeeps, jets, tanks, radar, and electronic equipment are almost daily arrivals in Cuban harbors. According to the State Department and intelligence reports, 4,500 Russian soldiers, sailors, and technicians are in Cuba helping Castro. They are training new pilots, ground crews, and artillery men. Just last week Castro announced construction of a 12-million-peso fishing port on the Cuban coast for use by the Russians. Sites for guided missiles and rockets and bases for submarines and submarine detection are possible. Cuba will be capable of inflicting great damage on the U.S. naval installation at Guantanamo. And behind these beefed-up forces stands the U.S.S.R., openly pledged to support them, with its atomic power if necessary.

The bitter truth is that Cuba today is a far more effective base of Communist activity than it was 2 years ago. It is now a bustling, well-organized jumping-off point into all its neighboring countries for Spanish-speaking spies, provocateurs, propagandists, and secret military agents. (Many of them, according to intelligence sources, have been operating among Cuban refugees and Puerto Rican citizens here in the United States.)

Mr. Kennedy indicates that his hopes of a peaceful solution of the Castro problem lie partially in the deterioration of the Cuban political and economic situation. Dangling the prospect of a convenient collapse before this Nation's eyes, he says, "Castro [is] in trouble. * * * His own followers are beginning to see that their revolution has been betrayed."

What are the chances of a successful rebellion by Castro's disillusioned people? His unpopularity with a great section of his populace can no longer be questioned. But the unjailed remnants of the Cuban underground today no longer have the means or the will to challenge Castro's Soviet-armed firing squads. Like the Hungarians before them, the Cuban people have learned the bitter lesson of resistance: that Soviet Russia will spring to the aid of Soviet dictators wherever they may be, but the United States will not always go to the aid of men fighting for their freedom.

Meanwhile, the rising generation in Cuba is being vigorously indoctrinated with anti-democratic, anti-United States and pro-Russian ideas. It is being taught to think of itself as the vanguard of the Communist liberation in the Western Hemisphere.

Radio Cuba broadcasts around the clock to all the Latin American nations. Their underprivileged masses are told that their economic and political freedom depends on booting out all pro-U.S. politicians, and elevating public officials who stand ready to join the dynamic ranks of Communist republics, which now, because of Castro, can truthfully be said to girdle the globe.

The United States, Radio Cuba claims, is lending billions of economic aid to its south-

ern neighbors for one reason only: fear of Khrushchev and Castro. American aid, it warns, will die on the vine the day Castro is defeated. The argument is a powerful one. Probably all Latin American governments view Castro and communism at least in part as a dollar-generating program. It would explain why even pro-U.S. leaders are reluctant to take action against him or their own domestic Communists.

President Kennedy has said that "monumental economic mismanagement, supplemented by our refusal to trade with [Castro] has crumbled" the Cuban economy. This seems to suggest the hope that the regime will collapse of its own weight and thereby discredit communism.

How justified is that hope?

There is no question that in the last few years living standards under Castro have deteriorated appallingly—as they have under Walter Ulbricht in East Berlin and Janos Kadar in Hungary. In 1959, Cuban exports were \$675 million and imports \$740 million; today, exports are \$320 million, imports \$350 million. Roughly, Cuba has lost one-half of her world trade. Castro would indeed be ousted by his own people by now—except for one all-important fact: Kremlin support. When Castro came to power in 1959, 80 percent of Cuba's trade was with the United States. Today, 85 percent is with the Communist-bloc countries.

Today Castro and his country are in total lock to Moscow. If Castro should balk at this, or in any other way become a liability or nuisance, the Kremlin will quickly dispose of him.

President Eisenhower is quoted as having said recently that he had heard the term "peaceful blockade" but he didn't know what the term meant. A naval blockade, if it is to succeed, must be continuously maintained and enforced on vessels of all flags. Allied and neutral, no less than "enemy," vessels must be intercepted and cargoes dumped or returned to home ports. International law defines such a blockade as "an act of war carried out by the warships of a belligerent detailed to prevent access or departure from a defined part of the enemy's coast."

Americans will remember that Kaiser Bill's harassment of American shipping in 1917 was construed by Woodrow Wilson as an act of war on the part of Germany against the "neutral" United States. A naval blockade led directly to our entrance into World War I. Consequently, the establishment of a formal U.S. naval blockade against Cuba could be construed as an act of war by any nation whose vessel is so intercepted. It is, of course, reasonable to assume that however much a naval blockade against our allies would gum up our relations with them, they would not war against America for turning back their Cuba-bound trade vessels. What is certain is that Cuba would declare a naval blockade to be an act of war, and that the U.S.S.R. would endorse that declaration.

Thus, putting the Cuban situation in its true perspective would require the President to make an excruciatingly painful admission: That the failure to carry through the Cuban invasion in April 1961 has already had dangerous, and perhaps disastrous, consequences for American global policies. No peaceful action that the United States can presently take can be counted on to end the Soviet buildup in Cuba.

Whatever usefulness or validity the historic Monroe Doctrine may have had before the invasion, the failure of that invasion and subsequent events would seem to have destroyed them. The doctrine, proclaimed by President James Monroe on December 2, 1823, warned the European powers that "we should consider any attempt . . . to extend their system to any portion of this hemisphere as dangerous to our peace and safety." (It is an irony of history that what inspired this doctrine was the attempt of Imperial Russia

to penetrate "peacefully" into the American Northwest.)

By April of 1961, Castro was openly under the Soviet wing. Mr. Kennedy gave the invasion go-light even though OAS approval had not been secured. But when he withdrew U.S. air support at the last moment, one reason apparently was his consideration for the multilateral concept of the Monroe Doctrine.

Despite such lipservice to the Monroe Doctrine, the President (currently using the voice of Senator HUBERT HUMPHREY) now wishes to supplant it with the "Kennedy doctrine." What is the Kennedy doctrine?

An analysis of the President's hard-core position on Cuba shows it to be this: The United States will not initiate any military action against a peaceful extension of Soviet power in our hemisphere, or a defensive Soviet military buildup in Cuba, but it will consider an offensive buildup to be dangerous to our safety. And, in the event of an armed attack by satellite Cuba against the United States or any of its neighbors, the United States is determined not to wait for other OAS nations to take action—it will unilaterally counterattack the attackers.

Upon even closer examination, this Kennedy doctrine looks quite familiar. And so it is. The Kennedy doctrine proves to be the 15-year-old Truman-Eisenhower doctrine, designed to contain Soviet Russia in areas outside the American hemisphere. The essential feature of that doctrine is, and always has been, nonaggression while maintaining the military capacity to retaliate in kind against Communist military initiatives. It incorporates the military tit-for-tat or retaliation principle—the ultimate tit-for-tat being, of course, massive retaliation. The rationale behind the doctrine of containment was the realistic acceptance of the European satellite states as legitimate zones of Russian concern and influence. Stripped of its double-talk, the Kennedy doctrine plunks for the application of this old Truman-Eisenhower containment doctrine to our own hemisphere. Apparently so long as the U.S.S.R. does not use Cuba as an offensive base, it is now to be considered as a legitimate zone of Russian power.

So, the United States has now been placed in a global double bind. If the United States should intervene in Cuba, it must do so at the risk of exposing all its military bases and positions in Europe, the Near East, and Asia to the threat of Russian or Communist flanking attacks. But, if it does not intervene and should serious trouble—short of ultimate nuclear war—begin in Berlin, Turkey, Iran, Laos, Vietnam, Formosa, or Korea, the United States now risks exposing the Western Hemisphere not only to constant Soviet reconnaissance but also to flanking attacks from Cuba.

The United States is now faced with two dismaying alternatives: to challenge Russian power in our hemisphere now, at the risk of war breaking out on other global fronts and (unless diplomatic concessions are made quickly there) escalating into world war III; or to sit and wait while Soviet military power is consolidated in our hemisphere, with the very real possibility that communism will take over large areas of Latin America.

It is in this grim global perspective that the people of this Nation must now debate the question of whether or not intervention is "required or justified" in Cuba. In concealing the extent of our dilemma, the President is denying the citizens of this Nation the right of a free people to debate crucial national issues with all the relevant facts before them. Short-range political astuteness may indicate the need to play down the size of the present crisis. But long-range statesmanship solemnly demands that the truth be told.

What is now at stake in the decision for intervention or nonintervention in Cuba is the question not only of American prestige

but of American survival. If the decision is not to intervene, then that means the United States accepts the existence of Soviet military and political power in the Western Hemisphere. Postponing the decision to intervene will not make it any easier. The same arguments which are used against intervention today could and would be used when Russia has control of half a dozen hemisphere countries. If the United States deems that Russian military power in this hemisphere is intolerable, it would be the part of wisdom to say so clearly now, and to act accordingly. The vast majority of the American people, including most of the President's critics and opponents, will support the President when he takes action.

THE TIME IS NOW

Mr. JAVITS. Mr. President, we are quite used to the war correspondents of the great dailies and wire services traveling to the world's trouble spots to cover a story. The Negro community of New York had the opportunity of receiving such on-the-spot coverage when one of its own, Mr. James L. Hicks, executive editor of the New York Amsterdam News went to Oxford, Miss., to report on the recent unfortunate developments there.

Subsequent to his return Mr. Hicks has written a challenging editorial which merits, I feel, general attention. His challenge is constructive, a plea for understanding, and indicative of his mature philosophy that the solution for wrongs is to right them, not to compound them with further acrimony. The editorial is appended hereto.

There being no objection, the article was ordered to be printed in the Record, as follows:

THE TIME IS NOW

Student bodies of universities all over the world are generally in the forefront of the most forward-looking steps taken in any nation.

Wherever we have had great reform in industry we have had student bodies, the illegals, if you please, in the forefront of such movements.

And in thinking of this we can't help but note what a great opportunity the students at Mississippi University had to launch, initiate or join in a southwide movement that could quickly bring about the end of such bigotry and foolishness as we have seen recently evidenced in the James H. Meredith case.

What a golden opportunity for the president of the Student Council at the University of Mississippi to be able to start a movement on his own campus that would bring about the complete acceptance of James H. Meredith as a "black rebel" student, the first in the 114 year history of Ole Miss.

Such acceptance of Meredith's admission at Ole Miss is as certain to eventually follow as the day follows the night. It's only a matter of time.

But how wonderful it would be—what great stature the student body of Ole Miss could rise to if the students themselves would today take the situation by the horns, dash silly tradition and say to themselves that time must be "now."

VOTING PROCEDURE IN UNITED NATIONS

Mr. JAVITS. Mr. President, I have received from the Assistant Secretary of State in Charge of United Nations Affairs Harlan Cleveland, a pertinent letter which clarifies a point made by me in debate, in which I said that a nation

which, following decisions of the International Court of Justice, fails to pay its current U.N. assessment for 2 years will not automatically lose its right to vote in the General Assembly, but that that right must be denied to it by a vote of the General Assembly.

The Department of State takes the view that that is not so; that delinquent states automatically lose their right to vote if they are more than 2 years in arrears, and that this point may be made on a simple point of order to the President of the General Assembly.

I think this statement is so important that, with the permission of the Department of State, I ask unanimous consent that the letter dated September 28, 1962, may be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 28, 1962.

We are taking the position in the General Assembly that the denial of the right to vote is automatic whenever a country is more than 2 years in arrears.

Article 19 simply says that: "A member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding 2 full years."

The U.S. view, which we have been promoting with other countries, is that this language is fully automatic. As a matter of fact, no country has ever been in the condition described in the sentence I have just quoted from article 19—but several countries paid up part of their arrears shortly before the current General Assembly, to avoid being the guinea pigs under this article. But when and if the conditions do arise, we believe the President of the General Assembly would simply declare that the country in question would not be made a part of the next rollcall or would skip the country's name in calling the roll. (There is precedent for this in other international organizations that have similar "loss of vote" articles.)

That ruling could no doubt be challenged and, if so, would go to a general vote of the General Assembly. Moreover, article 19 also provides that the General Assembly may "permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member."

Both the appeal from a ruling by the Chair or an appeal to be excused from the sanction in article 19 on grounds of hardship would require affirmative action by the General Assembly. But the denial of the vote, as such, should be fully automatic.

I mention this because I think it is important that other nations not derive the impression that there is argument in this country among supporters of the United Nations as to whether article 19 would be automatically applied or not. I'm sure you will appreciate the importance of this in the context of the discussions to be held—by Ambassador Klutznick and one of your colleagues, Senator ALLOTT—in the Fifth Committee of the 17th General Assembly this fall.

Warmest regards.

Sincerely,

HARLAN CLEVELAND,
Assistant Secretary.

THE WORLD GROWS UP—AND SO DO WE

Mr. JAVITS. Mr. President, in the New York Times of this morning there

is a news story which can give us at least a little hope that the tragic events in Mississippi have added to the sum total of human understanding. As Mr. Meredith was reported to have said after his registration at the university, it was "not a happy occasion." Yet it was an occasion at which principle, law, and, above all, morality prevailed in the face of an enemy—man's blind fear and hatred of some of his fellows—who has throughout human history compiled a deplorable record of victories.

The news story to which I refer deals with the reaction of those countries to the events in Mississippi, which have an overriding interest in our Nation's policies with respect to its own non-white citizens. Those countries with a nonwhite citizenry of their own are not unaware of the problems they themselves must solve—but in seeking guidance to the solution of these problems they look with great care on the actions of those who are leaders in the world. I believe that our national implementation of the law, in upholding the right of a qualified citizen to an opportunity to receive an education, was vital proof of the sincerity of our public protestations.

Mr. President, I believe also that the favorable reaction cited in this story gives proof of how close to disaster, in terms of our moral standing and our self-respect, we stood last week—and that it gives proof that our cherished way of life can only survive if it lives up to its own standards. I ask unanimous consent to have the news story printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. RACIAL ACTION PRAISED IN AFRICA—FIRM HANDLING OF MISSISSIPPI CRISIS SAID TO HAVE MADE A FAVORABLE IMPRESSION

(By David Binder)

WASHINGTON, October 11.—The Federal Government's firm handling of the Mississippi crisis has made favorable impression in Africa, according to information available here.

At the height of the crisis, when U.S. troops and Federal marshals were dispatched to the University of Mississippi to back the registration of a Negro student, James H. Meredith, the President of Mali, Modibo Keita, cabled President Kennedy his congratulations for acting decisively.

Mr. Keita's government has developed strong ties to the Soviet bloc in recent months, so the cable, dated October 1, was viewed here with surprise and pleasure.

REACTION A SURPRISE

Mr. Kennedy wired his thanks to the Mali leader last October 3.

At the same time, it was reported that Guinean political leaders reacted with similar approval of the Federal actions in Mississippi.

Rather than deplore the segregationist attitudes of some southerners, which the Guineans knew existed, they are quoted as saying, in effect: "What country in the world would mobilize a whole army to get a Negro student into college?"

These impressions contrast with the expectations of some observers here, who thought that the Mississippi crisis would be regarded as new evidence of racism in the United States.

Qualified observers in Washington declare they are quite pleased with this country's performance in African nations as compared with that of the Soviet bloc.

In Guinea, for example, official doors that were once closed to Americans and open to Russians are now said to be somewhat more ajar for U.S. diplomats.

The prime cause for this change is said to be the so-called Communist plot uncovered in Conakry last December that led to the ouster of the Russian Ambassador.

RUSSIAN FAUX PAS

But U.S. sources contend that the poor performance of Soviet aid and development programs, as well as the ungratifying behavior of Russian technicians, contributed to the wave of Communist influence in Guinea.

American sources contend the Russians committed several faux pas. Once they backslapped Guinean mining officials, calling them "comrade" and using the familiar "tu" (you) in French, rather than the more formal "vous."

The Guineans, it was asserted, resented this familiarity. Soviet officials are said to have shunned contacts with ordinary Guineans. Some natives, it was said, suspect them of snobbery and racist sentiments.

On the other hand, the Americans assert, G. Mennen Williams, Assistant Secretary of State for African Affairs, who is a backslapper with the best of them, immediately achieved rapport with Guinean leaders, including President Sekou Toure, during a recent visit.

The difference, according to observers, was that Mr. Williams knew his "tu" from his "vous" and demonstrated appreciation for Guinean sophistication in political affairs.

The list of recent American gains and Russian setbacks in Guinea, attested to by U.S. sources, is a long one.

It includes such items as the ouster of about 60 French Communist teachers along with the Russian Ambassador; the padlocking of a Communist book store that had been distributing propaganda; enactment of a law guaranteeing foreign investments; the joining of the International Monetary Fund; an invitation to the Peace Corps; and votes against the Soviet bloc in the United Nations.

YOUTH OF ALL NATIONS

Mr. JAVITS. Mr. President, I have recently received a letter from Miss Eugenia Barton, a young lady in her senior year at Cornell University, telling me of the organization, Youth of All Nations, Inc., YOAN for short. YOAN has established a correspondence exchange between young people throughout the world to introduce individual citizens of the United States to those of other countries. Each participant in the program makes a formal application to YOAN, which includes pertinent background information about his hobbies, education, and language abilities.

Miss Barton has described to me the value which 4 years of such corresponding with young people in other countries has meant to her. I wish to call this to the attention of my colleagues in the Senate, because I believe that it is through such programs which facilitate the frank exchange of ideas by our youth that the people of this world may eventually find a wider and deeper understanding to help us to live together and work together.

I ask unanimous consent that Miss Barton's letter be inserted in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEAR SENATOR JAVITS: I am studying international relations at Cornell University, where I am a senior. This summer I have

been working as a guide at the United Nations. (Incidentally, because I speak Russian fluently, I have been assigned to guide some visiting Russians, too.)

This letter concerns an organization to which I have belonged for 4 years—Youth of All Nations, Inc., YOAN for short, located at 16 St. Luke's Place, New York, N.Y. YOAN's purpose is to acquaint young people all over the world with each other through carefully arranged personal correspondence. However, it is not a simple addresses exchange, but prospective members must first answer questions about their schooling, ambitions, hobbies, knowledge of foreign languages, etc. Then, they are introduced to someone in another country with similar interests. The program is primarily aimed at college age students and more serious teenagers rather than young children.

Members of YOAN also receive the organization's magazine, called *Mirror for Youth*, to which they contribute their experiences and ideas, and share their letters; for, of course, no one member can possibly correspond with all countries.

I cannot express how much membership in YOAN has benefited me. Not only has my international understanding increased, but now I have good friends in Italy and Sweden, and I am just beginning correspondence with members in Spain and South Vietnam. We exchange viewpoints, political ideas, local news, experiences, etc. I am also learning why our culture and politics are sometimes criticized, and why certain misunderstandings about Americans might arise.

My friends who belong to YOAN also think very highly of it. The organization is nonprofit, nonsectarian, and nonpartisan, and is headed by Miss Clara Leiser, its founder. Its work should be made more widely known and it should also be better supported, because it has been doing an excellent job in increasing international understanding. The young people who belong to YOAN are usually the more articulate elements of their societies and in a few years they will be the leaders. If they can be helped to understand the same generation in other areas of the world, then much is being done to help peace.

Do you think it would be possible for you to include something about YOAN in your reports to your constituents? in print or by radio-TV? If you will do this, please ask interested persons aged 14 to 24 to send a self-addressed, stamped envelope, and 10 cents (for handling costs) to Youth of All Nations, 16 St. Luke's Place, New York 14, N.Y. If you wish more information, please contact Miss Leiser or me. The YOAN telephone number is Watkins 4-1368.

Thank you very much.

Respectfully yours,

EUGENIA BARTON.

SARATOGA BATTLEFIELD NATIONAL PARK AND CEMETERY

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the *RECORD* a resolution I have received from the board of supervisors of Schenectady County, N.Y., with reference to the need for a third battlefield cemetery in that area.

There being no objection, the resolution was ordered to be printed in the *RECORD*, as follows:

RESOLUTION 141

Resolution on Saratoga Battlefield National Park National Cemetery urged

Whereas Federal authorities have determined there is a need for an additional national cemetery in New York State to meet the growing demands for burial space for our honored veterans; and

Whereas the two existing national cemeteries are located at Elmira and Farmingdale—both approximately 200 miles from Schenectady County; and

Whereas it would seem logical to establish a third national cemetery in the immediate area; and

Whereas facilities and space are now available at the Saratoga Battlefield National Park as a memorial site that would lend dignity and prestige to such a cemetery: Now, therefore, be it

Resolved, That the Schenectady County Board of Supervisors give its full support and approval of efforts now being made by the Schenectady County Committee of the American Legion to establish a national cemetery at Saratoga Battlefield National Park; and be it further

Resolved, That copies of this resolution be transmitted to our congressional representatives in Washington and the Schenectady County American Legion.

PROPOSED FEDERAL CONSOLIDATED BALANCE SHEET

Mr. MORSE. Mr. President, as a longtime supporter of a Federal capital budget I was delighted to read in a recent column by the former administration's Bureau of the Budget chief, Maurice Stans, a suggestion that the Federal budget provide a consolidated balance sheet listing the Government's assets and liabilities, in addition to the customary cash-in and cash-out statement.

Mr. Stans correctly points out that the taxpayer would like to know how much the Government has invested in "loans, stockpiles, securities, farm products, foreign currencies, working funds, public buildings, Government-owned corporations, and so on."

If such a balance sheet were prepared, it would indicate the extent of Federal investment in the Federal power program, together with the handsome return which the U.S. Treasury is earning on this investment. In fact, such a balance sheet might prevent Mr. Stans and the private power companies from parrotting endlessly the line about how much the Federal power program allegedly costs the taxpayers.

Mr. Stans, in another column published in the *Washington Post* on September 30, carried this unsupported charge, and others, to ridiculous lengths. He contended that if only the private power companies did not have to pay taxes, they could reduce rates by 25 percent and thus remove the only advantage of "federalized power" which he equates with "industrial socialism and higher taxes." I ask unanimous consent to have Mr. Stans' column of that date printed at this point in the *RECORD*.

There being no objection, the article was ordered to be printed in the *RECORD*, as follows:

WHO PAYS FOR FEDERAL POWER?

(By Maurice H. Stans)

The investor-owned electric utilities in the United States last year paid \$1.312 billion in Federal income taxes and \$1.104 billion in State and local taxes. Would you be willing to eliminate all these taxes in the future, and make the electric companies tax free?

Before you answer, think it over. A saving of \$2.416 billion in this way to the utilities would make it possible for them to cut all their electricity rates by about one-fourth.

This would be quite a saving for everyone. This is what happens in areas where Federal power systems operate, like TVA and others. They do have low electricity rates. So far it sounds good.

But then comes the inevitable question. Who would make up the loss in revenues to the Federal and local governments?

The answer is that you and other property holders and income earners in the country would have to pay nearly \$2½ billion more in taxes—of one kind or another—for the governments to operate.

This circle illustrates a major distinction between Federal power and private power. Federal power is cheaper only because it shifts a burden of Government upkeep on to others.

To clarify this, let's look at the various costs involved in your electric bill:

Rather obviously such items as fuel, material, equipment, and supplies presumably can be bought at similar prices by private enterprise or Government. Labor rates should be roughly comparable also, or else the labor unions should look into the matter. So this leaves one other major item:

Taxes currently are taking around 24 cents out of every \$1 billed to customers by private enterprise utilities. But Federal power enterprises pay no Federal taxes and out of each revenue dollar may pay little or nothing to local and State governments.

Sometimes there is a further difference. Utilities must borrow large sums of money to build their plants and distribution networks. The Federal Government can borrow a little cheaper than private companies. Local tax-exempt bodies can borrow still cheaper. And one Federal program, the Rural Electrification Administration, borrows from the Federal Treasury at 2 percent although the Government has to pay around 4 percent for the long-term funds it lends the REA. Again the taxpayer makes it up.

So if the price paid for Federal power is lower than that for private enterprise power, you can credit these two cost breaks for which every taxpayer is paying extra to make up the difference.

At the present time one-eighth of the installed generating capacity in the United States is Federal power. The pressures for more spreading of this deceptive bargain grow regularly.

REA asked for a record appropriation of nearly half a billion dollars this year (although 98 percent of the farmers now have central station electricity). A proposal to build a Federal power unit at an atomic site at Hanford, Wash., was barely defeated in Congress a short time ago. And now Government planners are advocating construction of a Federal national power grid, although private power companies have a nationwide system of interconnections and are building more each year.

The arguments of Federal power proponents don't hold water:

1. There is no need for Federal power where private companies are willing and able to do the job, and this is almost everywhere. The capacity of the industry has doubled about every 10 years.

2. Private utilities have the means and the finances. They already have invested \$46 billion in power facilities and have been spending \$3.2 billion a year on new plant and equipment. They will have \$88 billion invested by 1970.

3. Federal power costs in actuality are not cheaper. Federal power rates are lower only because of Federal subsidy through tax-exemption and cheap money. Indeed, the added tax burden of existing federalized power currently exceeds the supposed savings from its cheap power.

Nor can the argument be used that private utilities are gouging the public. Private utility returns are regulated rigidly by Government public utilities commissions which ordinarily allow between 5 and 7 percent on

invested capital—hardly a get-rich-quick return.

The real issue in Federal power, then, is not efficiency or economy of operation. The real issue is whether we want growing Government and ultimate socialization of the power industry. There is no need for any increase in Federal power if private industry does the job as it has and can. The trend ought to be the other way, if we believe in free enterprise and in tax equity. The Government ought to give private companies the opportunity to take over the Federal power operations upon a demonstration of their ability to do so.

Unless the trend of recent years is stopped, the cost of Federal power to us taxpayers can be expected to go up.

Matched against any standard, the investor-owned electric power industry has demonstrated an amazing record of competence, progress and service. Rates today are about one-third of what they were 50 years ago. America has more power capacity than the next five countries in the world combined—three times that of the Soviet Union. The American home uses nearly eight times the electricity of the Russian home.

The electric industry is today one of the outstanding examples of successful free enterprise. Should we allow it to be slowly destroyed at the price of industrial socialism and higher taxes?

Mr. MORSE. Mr. President, demonstrating once again the vast ignorance of the Nation's resource development program which characterized the thinking of the no-new-starters in the Eisenhower administration, Mr. Stans proceeded in his September 30 column to trot out all of the old clichés of the power company propagandists. I have taken a few of the most flagrant distortions and prepared a point-by-point rebuttal, for the illumination of Senators who may have read the column, or who have seen recent advertisements of the electric companies' advertising program.

CONSUMERS PAY TAXES OF PRIVATE UTILITIES

Mr. Stans says that the private power companies paid \$2.4 billion in Federal, State, and local taxes last year, and that if they did not have to pay these taxes they could reduce electric rates by about one fourth.

This is what happens in areas where Federal power systems operate, like TVA and others—

Mr. Stans said.

They do have low electricity rates.

Supposing we did relieve the power companies of the obligation to pay taxes—which they do not really "pay" at all, but merely tack onto the consumer's electric bill. Could we expect them to pass these savings along to consumers?

The power companies have been enjoying spectacular tax benefits in recent years, yet the Federal Power Commission's annual report on residential electric bills indicates that electric rates continue to go up. By the end of 1962, private power companies will have piled up an estimated \$1.7 billion in tax savings from the fast tax writeoff and liberalized depreciation provisions of the 1954 tax laws.

That was one of the Republican administration's greatest giveaways to the vested interests of this country. It is to be expected that one of the key men in that administration would present such

false propaganda to the American people in the column to which I have referred.

In a few States, the regulatory commissions have required these savings to be passed along to consumers, but in many, the electric companies collect these "phantom taxes" from their ratepayers and then use the proceeds to invest in plant or to pay out as tax-free "return of capital" to stockholders. More than \$100 million of this tax saving already has gone to stockholders as tax-free dividends.

The Federal Power Commission has ruled that the companies do not need to give consumers the benefit of liberalized depreciation, but I am happy to note that this matter is now being restudied by the Commission.

A new tax subsidy was handed the private utilities just last month: Under the investment incentive of the new tax laws, regulated utilities may deduct for tax purposes 3 percent of the cost of new facilities—an estimated 9 percent of their total tax bill, or about \$100 million a year.

The Kennedy administration is just as wrong as the Eisenhower administration was in regard to this kind of giveaway. But to the everlasting credit of the President of the United States, I point out that it was not a part of his proposal. Instead, it was done by a coalition of reactionaries. An overwhelming majority of Republicans, assisted by Democrats in both Houses of Congress, have imposed this giveaway on the taxpayers of the Nation.

So far as I am concerned, Republicans and Democrats, alike, who voted for that nefarious so-called reform bill—although the word "reform" should be struck from it—will be held to an accounting on November 6, as they should be. On November 6, the taxpayers should hold them to a strict accounting for this and other great mistakes which these Members of Congress have made—for the so-called tax reform bill is but one of the great congressional mistakes for which I hope the voters will demand an accounting on November 6.

TAX WRITEOFF SAVINGS NOT PASSED ON TO CONSUMERS

No one knows whether this saving will be passed on to consumers. The history of fast tax writeoffs indicates that in most States it will not be. A September 27, 1962, decision by the U.S. Court of Appeals, in the case of Panhandle Eastern Pipeline Co. versus Federal Power Commission, if allowed to stand, will permit a regulated utility not only to invest these tax savings in new plant, but also to earn its normal rate of return for stockholders on this unintentional investment by the ratepayers.

Senators will recall the shocking tax writeoff which the Idaho Power Co. tried to get by with in the days when the fight was being made on the floor of the Senate to save for the American people the greatest remaining damsite for hydroelectric power in the Nation—the Hells Canyon Dam. The great Senator from Tennessee [Mr. KEFAUVER] led the way on the issue in regard to the tax writeoff scandal involving the Idaho Power Co.; and the two Senators from

Oregon assisted the Senator from Tennessee. When the Senate came to understand that shocking giveaway by the Republican administration to the private utilities, that turned the tide in the Senate on the Hells Canyon Dam bill, and the Senate passed the bill. A combination of reactionaries—again an overwhelming majority of the Republicans, assisted by reactionary Democrats, who should be sitting on the Republican side of the aisle in both Houses of Congress—then joined in killing the Hells Canyon Dam bill in the House committee.

The fight to protect the people's interest in the waters of the Nation that are owned by the people—not by the private utilities—is one which the liberals have waged for years on the floor of this historic Chamber. Hiram Johnson, McNary, Borah, La Follette, Couzens, Brookhart, Murray, and many others of the liberals who preceded us in this body sought for decades to warn the American people about what the private utilities were up to in regard to the matter of hydroelectric power. But the utilities would have the American people forget that the navigable streams of the Nation are owned by the people of the Nation, not by private utilities. They would have the people of the Nation forget that whatever private utility advantages are given in connection with any stream in the Nation are matters of privilege, not of right, and that the rights to these waters vest in the American people.

It required a McNary from my State and a Franklin Delano Roosevelt—a great Republican and a great Democrat—to stop the private utilities from scuttling the construction of the Grand Coulee Dam, for in regard to the Grand Coulee Dam, they attempted the same shell game on the American taxpayers. The utilities were successful in getting by with it a few decades later at Hells Canyon Dam. When Franklin Delano Roosevelt realized that the private utilities were attempting to follow a course of action which would have prevented the construction of the great multiple-purpose dam at Grand Coulee, he joined with McNary in seeing to it that that "steal" on the part of the private utilities was scotched.

We must constantly be on guard in protecting the interests of the taxpayers in hydroelectric power. Propagandists such as Stans are used by the private utilities in their attempts to deceive the American people about the facts in connection with this power issue.

That is why I take the time in the closing hours of this session of Congress—at least, Mr. President, I hope they are the closing hours—once again to warn the American people, as I have done many times from this desk in the Senate, about what the private utilities are up to, in their attempts to steal from the taxpayers the precious economic rights to the streams of the Nation which belong to all the American people. That is why I take the time tonight to warn the people of the Nation about the misleading propaganda that Stans and the private utilities he speaks for are disseminating in advertisements and articles throughout the Nation.

Mr. President, I would have the American people remember that the accumulated tax savings came originally from the ratepayers, to pay the utility taxes that would have been paid except for a gimmick in the tax law. Regardless of whether this gravy is paid to the stockholders as tax-free dividends, or is invested in plant, and thus earns more money for the stockholders, the stockholders—not the ratepaying public—will be the ones who will benefit.

PUBLIC POWER IS NOT TAX FREE

Mr. Stans says public power is cheap because it is tax free. But neither Federal nor local public power is tax free. During the fiscal year ending June 30, 1962, the Tennessee Valley Authority paid \$6,740,153, in the form of in-lieu-of-tax payments, to 7 States and 130 counties in which it operates, while the municipal and rural electric cooperative distributors of TVA power paid about \$12 million. These State and local in-lieu-of-tax payments are geared to the taxes which would have been paid by profitmaking power companies. In addition, TVA turned over the remainder of its net earnings—a 100-percent tax—to the Federal Treasury.

The municipalities and utility districts distributing Bonneville power pay either taxes or make in-lieu-of-tax payments to their local governments and States, in addition to making very substantial contributions in the form of reduced rates for schools, municipal buildings, and street lighting.

The net revenues of these systems are used to pay off bonds or to improve the systems, thus increasing the equity of all citizens of the community, in effect an additional in-lieu-of-tax payment.

Why does not Mr. Stans tell that? Why is he not journalistically truthful enough to tell the facts to the American people about the taxes which are paid and the income that these great public institutions pour into the Treasury of the United States and into the tax coffers of States, municipalities, and counties?

I will tell Senators why, Mr. President—because for years the private utilities have been carrying on a “big lie” technique in this democracy of ours, seeking to deceive the American people in regard to the great earnings that these great powerplants pay back to the consumers and the taxpayers of this country. It is not pleasant to have to call this misrepresentation of the private utilities to the attention of the people, but this program of misrepresentation by the private utilities of America, through its many mouthpieces, is an example of the brainwashing technique in America. We must have politicians with the courage and “guts” to stand up in the parliamentary halls of America and take on these deceivers of the public.

This kind of misrepresentation to the American people must be answered every time it is tried. Of course, Mr. Stans said nothing in his column about the income that the people, through their government, get from public power, nor the income that local governmental units

get by way of taxes paid and payments in lieu of taxes, because if he told the whole truth, his case would fall to the ground.

TAXES, OTHER PUBLIC BENEFITS RECEIVED FROM PUBLIC POWER

As I said, the net revenues of these systems are used to pay off bonds or to improve the systems, thus increasing the equity of all citizens of the community, in effect an additional in-lieu-of-tax payment.

As an example, Seattle City Light had \$38.1 million in gross revenues in 1960, of which \$3.4 million was paid in direct taxes and \$6.6 million was used to increase citizen equity in the system—for a total of \$9.9 million, or 25.9 percent of the municipal utility's gross income. The system provided \$470,516 in free street lighting service as well. In addition to these benefits, consumers of electricity in Seattle saved \$12 million on their electric bills as compared to the rates of the nearest private utility. Total benefits to Seattle ratepayers and taxpayers, who are essentially the same people, totaled \$23 million, out of gross revenues of \$38 million.

But not a whisper from the propagandists of the private utilities about those facts, not a syllable in the article by Mr. Stans about those facts, because those facts cannot be reconciled with the propaganda technique of the private utilities, for which Mr. Stans is obviously a spokesman.

But we ought to expect that, coming as it does from someone out of the former Eisenhower administration. We were confronted then with an administration that was against all new starts for the development of great multipurpose dams which belong to the people of this country. We were confronted with an administration that sought to foist upon the people of this country the catch-slogan program called partnership in the field of power development.

As my late colleague Dick Neuberger said in describing the partnership program, it was the program of the Eisenhower administration by which the taxpayers would buy the cow and the private utilities would milk her. Under the partnership scheme, the private utilities would get the profits from the dams and the American people would pay for the so-called nonreimbursable costs of the dams. They would pay for flood control, navigation improvements, bank protection, recreational facilities, and recreational costs; and the private utilities would take the profits. That was the Republican administration's program.

Therefore, we should not be surprised that the man who ran its budget office, who is now writing for the private utilities, would write such a column as this. It is in line with the Eisenhower program of taking from the many for the benefit of the few.

Thank God, we have an administration now under a President dedicated to benefiting the many, recognizing that in a democracy as the many are benefited, every segment of the economy is also benefited, including reactionary business segments of the economy that almost invariably oppose any legislation aimed at

benefiting the general welfare of the American people.

NEW DAMS STARTED OVER REPUBLICAN OPPOSITION

I shall always be proud of the Congress of the United States during the Republican administration. Under the leadership furnished by the Senate, when that administration submitted to us a budget containing not a single cent for the development of a multipurpose dam and tried to limit new construction, the phony partnership dams, such as Cougar, Green Peter, John Day, and others in my State, some of us in the Senate made it equally clear that we did not propose to give away the rights of this generation and future generations of Americans to the private utilities of this country. We offered amendment after amendment, year after year, under the 8 years of the Republican “no new start” program, and year after year we added funds to the appropriation bills in an effort to protect the public interest. The result was John Day, Cougar, and Green Peter rising to their economic majesty as people's dams, not private utility dams.

Some weeks ago I had the thrilling experience of attending the dedication of Hill's Creek Dam in my State; but if Eisenhower had had his way, we never would have dedicated a multipurpose dam belonging to the people of this country. We would have dedicated a partnership dam, with the power facilities being skimmed off for the selfish profits of the private utilities.

There must be constant, eternal vigilance exercised in the Congress against such selfish interests as the private utilities, who always seek to take every advantage that comes their way to take away from the American people the economic rights that belong to them.

PUBLIC POWER TAXES

Public utility districts in Oregon pay the same property taxes which the private utilities pay, and also are subject to the State's corporate excise tax, which amounts to roughly 7 percent of their net income. All of the municipal electric systems in Oregon of which I have any knowledge make substantial in-lieu-of-tax payments to their municipal governments.

One can read not only the Stans propaganda column but also the private utility advertisements in vain to find any such facts as I have just given to the Senate of the United States as to what the public utilities pay as to taxes or payments in lieu of taxes.

Nationwide, a survey by the American Public Power Association indicates that the local public power systems pay an average of 13 percent of gross revenues to local governments in the form of taxes, in-lieu-of-tax payments and free or under-priced services, compared with 10 percent paid in State and local taxes by the private power companies.

The figures prove that the public power utilities pay more by way of money and services into the treasuries of the local government units than do the private utilities.

FINANCING COSTS DIFFERENT

Mr. Stans contends that public power systems can raise capital more cheaply

than can the private power companies, and that this is another reason for their rate disadvantage.

While tax-free municipal bonds undoubtedly command a lower interest rate on the average than utility bonds, the interest rates also depend heavily upon the financial strength of the utility.

However, differences in bond financing costs are a very small part of the financing picture.

The big spread in costs comes from private utility stock financing, which returns to investors as much as 9.3 percent annually—Montana Power Co.'s average rate of return, 1958 through 1960—and virtually always costs the utility 6 percent or more.

A study by Gus Norwood, executive secretary of Northwest Public Power Association, shows that if private utilities used bond rather than stock financing, the interest savings would be about 20 percent of gross revenues. Mr. Norwood's study, incidentally, shows that private power companies pay just under 20 percent of their total earnings for taxes of all kinds. I ask unanimous consent to have this study printed at the conclusion of these remarks.

The PRESIDING OFFICER (Mr. METCALF in the chair). Without objection it is so ordered.

(See exhibit 1.)

Mr. MORSE. Mr. President, Mr. Stans implies in his column that they pay 25 percent in Federal taxes alone. When he states that taxes "currently are taking around 24 cents out of every \$1 billed to customers by private enterprise utilities," we should remember that only a part of the taxes billed to consumers ever get to the Federal Treasury, thanks to tax gimmicks. Mr. Stans declares that Federal power is not necessary, it is subsidized by taxpayers generally, and is "industrial socialism."

MULTIPLE BENEFITS FROM PUBLIC DAMS

Mr. President, I point out that a good many public power utilities involve power taken from the great multiple-purpose dams of America, such as Grand Coulee, McNary, The Dalles, and many other multiple-purpose dams for the construction of which we have battled our hearts out for many years.

Those dams perform many public purposes other than the development of public power. They provide water for irrigation. They provide great reclamation projects. They provide lakes for recreation, calling for maintenance costs. They provide great aids to fisheries; as well as many other nonreimbursable costs. These are known as the nonreimbursable costs of the great power dams which, however, perform very valuable public services.

Therefore, when we look at the value of public power to the American consumer and taxpayer, we must also look at the many other benefits which the American consumer and taxpayer get out of these great hydroelectric dams which generate this public power.

The Federal power program is usually a byproduct of the multipurpose development of water resources. To build a dam for flood control, navigation, or irriga-

tion and to permit the energy released by the falling water to go to waste would be sheer extravagance, as Congress has recognized for more than 50 years. The powerplant frequently is the only revenue-producing feature of a multipurpose dam, and it helps to pay for the entire project.

Where a Federal multipurpose project contains power facilities, they are financed on a businesslike basis with strict legal requirement that the cost of these facilities must be repaid with interest over the life of the project from proceeds of power sales.

I shall always be proud of the fact that the first bill which was ever passed by Congress on this subject matter was the bill I introduced several years ago. It was known as the Crooked River reclamation project. It is a project built on Crooked River in southeastern Oregon, as a reclamation project. Much of the cost was to be paid for from the power resources of The Dalles Dam, several hundred miles away.

However, we took the position that the development of the reclamation needs of the Pacific Northwest was also a need that the Federal Government should assist in paying for; not totally, because the ranchers themselves made their contributions under the reclamation projects.

There was quite a controversy in the Senate about that pilot bill. It finally passed in the Senate by a substantial majority, but it became log jammed in the House.

I well remember how the then majority leader, now the Vice President of the United States, went with me one afternoon to the office of the Speaker of the House, the incomparable Sam Rayburn, to whom I explained how important it was that we establish this legislative precedent, because it represented a sound conservation program. I pointed out that, as we move into the future with more and more needs for river basin development in connection with reclamation, range development, and power development, it will be necessary to have a legislative principle established which would make it possible to pay for the so-called nonreimbursable costs, in part, at least, out of the power resources belonging to all the taxpayers, which are collected from the multiple-purpose hydroelectric dams.

The late Speaker of the House had great fun with me in my presentation of my case for releasing for action in the House the Crooked River project bill. With his wonderful sense of humor, he said, "WAYNE, do you think you could get the name of that project changed? I would have much more chance of getting it released if you could call it something besides the Crooked River project."

I pointed out to the Speaker that I could not change the Crooked River in Oregon, but that I would be willing to go with him to any House Member who thought that the name caused any reflection on the substance of my bill.

To make the long story short, the Speaker had the bill released, and the

House passed it. It has served as a precedent. Another precedent was the supplying of irrigation water to try to stop the dropping of the water table in the area of The Dalles, Oreg., which, if it had not been stopped, would have destroyed many hundreds of acres of valuable orchards. The same principle is applied now to obtaining water and paying for a part of its cost out of the power proceeds of The Dalles Dam.

When we talk about public power, and when we listen to the misleading propaganda of the private utilities, I advise the American people to be on guard against their deception. Readers will not find in their articles, such as the Stans article, to which I am replying this evening, or in the advertisements of the private utilities, the facts about the contributions that these great public power multiple-purpose dams make to other economic needs of the American people in connection with navigation costs and irrigation costs, and in connection with the cost of range rehabilitation, which is a part of a river basin development program.

Therefore, I believe it is extremely important for us to keep in mind that the public utilities not only pay taxes, or make payments in lieu of taxes, but that they also provide revenues for the Treasury, which make it possible for the Federal Government to contribute through just such projects as the two I have mentioned, the legislative precedent for which was established in the Morse bill known as the Crooked River reclamation project.

Thus the users of Federal electricity pay back every penny invested in the powerplant, and at many projects they are paying part of the cost of the dam and subsidizing irrigation as well. It could be argued that, far from taking subsidies from the taxpayers generally, the users of Federal power actually are subsidizing other public benefits.

FEDERAL POWER PAYS FOR ITSELF

Do Federal power projects actually pay for themselves? Emphatically, yes. From the beginning of operations in 1933 through fiscal year 1961, TVA's power revenues amounted to \$2.4 billion. Net revenues, after deduction of operating expenses including straight-line depreciation, but before interest, totaled \$628 million. Retained earnings, after interest expense and payments as return on the appropriations investment, totaled \$581 million. These power earnings have been reinvested in the TVA power system either through direct investment in new construction or through payments to the Treasury. So, at the end of the 1961 fiscal year, the Federal Government was sole proprietor of an electric system with a net worth of \$1.8 billion, well over half a billion more than the \$1.2 billion Treasury investment in the system. At present, TVA is financing plant additions by revenue bonds sold in the private money market and without any kind of cost to taxpayers.

The Bonneville power system, like all Federal power systems, is required by law to be self-liquidating. At the end of 1960, the Bonneville system was \$53 mil-

lion ahead on its scheduled repayments to the Federal Treasury, having repaid \$287,800,000, all coming from the pockets of the power users. Because Bonneville's power revenues currently are not running high enough to meet scheduled amortization payments, it is evident that unless this financial picture improves, and once the prepayments have been exhausted, higher power rates will have to be instituted to comply with the law.

PRIVATE COMPANIES REALLY OPPOSE COMPETITION, NOT SOCIALISM

Mr. Stans repeats the old "socialism" charge, a favorite of the power companies in their high-priced national advertising program.

A survey conducted in 1950 for the electric companies advertising program showed that while 63 percent of the American people approved of TVA, 69 percent of the same people opposed socialism. In its comment on these statistics, ECAP laid down the line which its propaganda has followed ever since:

From the preceding charts, it is apparent that to link our fight to the TVA question would run us into a lot of opposition, most of it based on lack of knowledge. But to link our fight to socialism is something else again. The people do not want socialism.

Mr. Stans is trying to play both tunes at the same time.

Far from suffering from the Federal power program, the private power companies in many areas are eager buyers of Federal power and, nationwide, are in better condition than ever before. They produce about 77 percent of the Nation's power, receive about 84 percent of total power revenue, and have obtained something like 550 rate increases since 1946. The Federal power system provides only 13 percent of the Nation's power capacity and about half of this is used by the Government itself, primarily for defense purposes.

Mr. President, are the private utilities really "free enterprise?" Just try to find a competitor who can serve you with electricity if you do not like the service you are getting. The power industry is essentially a public industry, since it provides an essential service under monopoly conditions. If a community grants a franchise to a corporation to provide this service, exclusively, to its citizens, the result is not very private and certainly not enterprising. The company is obliged to serve all citizens, it is guaranteed a fair return, and it need not worry about competition—except when its consumers begin to wonder why rates are lower in a neighboring town.

In such a case, a private power company can sharpen up its operation, lower its rates, and find—as the utilities on the periphery of TVA found—that lower rates bring greater usage and lower unit costs, not to mention better earnings. Or it can follow the path trod by Mr. Stans and try to destroy this competition by maligning it. I hope that the majority will choose the former route.

Let us not forget that in area after area, for decade after decade, it was not possible to induce a private utility to stretch a powerline, because the utility knew that to do so would not be profit-

able; there were not enough customers. The rancher far out in the foothills had to milk with the aid of a kerosene lamp or lantern. His house was lighted by kerosene lamps. He churned by hand with an old barrel churn. He could not hire the farmer's most valuable hired man—electricity.

If he and a few of his remote neighbors, hat in hand, so to speak, riding in a buckboard behind a team, drove to town to call on the private utility owners, sometimes they could get electricity if they were willing to pay the cost of installation, which was exorbitant, and which they could not afford to pay. The sad fact is that the private utilities invariably put the selfish profit dollar ahead of the social interest.

But then the Federal Government proceeded with a public program by leaps and bounds, under the leadership of that great President Franklin Delano Roosevelt, who will go down in history as a President having a great social conscience. He was aided on a bipartisan basis by such great Republican Senators as Charles McNary, of my State, Hiram Johnson, of California, William Borah, of Idaho, Robert LaFollette, of Wisconsin, and the great George Norris, of Nebraska, who gave support to the REA, which permitted Federal financing and development of a rural electrification program. Then the employment of the farmer's most effective hired man became a possibility, for mile after mile of electric wire, strung on REA transmission poles, was taken to the farmers of America. The kerosene lamp and lantern became an antique of a bygone day.

But if the American farmers had waited for the private power utilities of this country to take their lines to the farmers, the farmers would still be waiting. Yet we have the misrepresenting private utility propagandists using the "big-lie" technique to deceive the American people with respect to public power, seeking an opportunity to spring upon the public interest and destroy it in the field of electric power.

My confidence in the American people is such that I have news for the private utilities of the Nation. They cannot deceive the American people. I have battled on this issue in three hotly contested campaigns for the U.S. Senate, and I am about to go home to carry on the battle. I say once again to the private utilities: "I am ready to take you on again, if you try once more to deceive the people of the State of Oregon about the great value of their investment in the public power resources of Oregon and the Northwest."

EXHIBIT 1

ANSWERING UTILITY TAX PROPAGANDA

(By Gus Norwood, executive secretary, Northwest Public Power Association; address to the accounting and finance workshop of the Northwest Public Power Association, at Eugene, Oreg., Sept. 13, 1962)

One of the day-to-day operating problems of the public and cooperative electric systems is how to answer the propaganda barrage directed against us by the private electric utility corporations.

Taxes constitute the major theme of this continuing, relentless propaganda attack.

Many of our consumer-owned systems have urged that we do research on utility taxes.

Considering the millions of dollars spent by private utilities on tax propaganda, it is sobering to reflect that no authoritative study or investigation is available on this subject. Such a study is long overdue and should be made.

My remarks today are intended as a working paper to outline some of the facts and ideas for the more extensive study needed.

I want to express appreciation for this opportunity to submit this working paper to you in your role as utility controllers, auditors and accountants.

Certainly for me it has been rewarding and encouraging to find in the course of this analysis that in terms of electricity taxes and other public benefits the merits lie very favorably with the public and cooperative electric systems.

My remarks are organized and directed to answering seven basic questions:

First, If our systems do a good job, can propaganda hurt us?

Second, What organizations and outlets issue the utility propaganda?

Third, What are the propaganda charges being made against us?

Fourth, What is the record of our taxes and benefits for public purposes?

Fifth, What is the record of private utility profits and taxes?

Sixth, How do consumer owned systems compare with private utilities?

Seventh, How can private utilities reduce their high electric rates?

Before taking up these seven questions, it might be in order to mention a few basic premises and facts.

Certainly it is well recognized that the furnishing of electric service is by law a public utility function. It is a public function and often is carried on under public auspices. On the other hand this function may be delegated to private companies but only through the granting of public licenses, permits, franchises, use of public right-of-way and other public authority.

From the start of electric utility service around 1880 both public and private approaches were used. As early as 1882, four cities operated electric systems.

One study shows that 76 percent of all U.S. municipal electric systems originated because no private companies were available or willing to serve those communities.

Virtually all of the rural electric cooperatives came into being because private utilities were unable or refused to extend service into the rural areas.

As of December 31, 1960, the public and cooperative electric systems were serving 21.1 percent of the population while private utilities served 78.9 percent.

The electric revenues of the entire electric utility industry in 1960 reached \$11.51 billion, divided \$2.08 billion to the non-profit systems and \$9.43 billion to private utilities.

By including nonelectrical revenues the private utilities alone in 1960 just reached \$12 billion or \$1 billion per month.

The electric utility industry receives over 2 percent of gross national product and this proportion continues to increase. Investments now exceed \$50 billion, approaching \$150,000 per employee.

Perhaps not so well known is the fact that no utility whether public, cooperative or private, pays any taxes. Only consumers pay taxes. The utility merely serves as tax collector or pipeline for tax collection. No utility pays any taxes.

It goes without saying that electricity is a necessity of modern life, that good electric service at low cost is essential in the public interest.

But let's get on with the questions.

1. IF OUR SYSTEMS DO A GOOD JOB, CAN PROPAGANDA HURT US?

Yes; propaganda can hurt us.

Witness the effect of the attacks on municipal electric systems in 1921 to 1932 which resulted in 1,666 city owned electric systems going out of business in 12 years.

Under the leadership of Samuel Insull, the National Electric Light Association from 1920 to 1932 carried on a huge propaganda campaign against municipal ownership of electric plants.

Newspaper advertising alone came to \$9 million per year.

Over 5 million copies each were distributed of such pamphlets as, "All in Favor of Paying More Taxes Say Aye," "Muscle Shoals," and "Why Did 860 Municipal Plants Close?" In all, NELA from 1920 to 1932 issued 200 different books, pamphlets, and folders in quantities from 1,500 each to 5,200,000. The large amount of taxes paid was often mentioned as an advantage from private utilities.

Mr. J. B. Sheridan reported at the 1925 NELA convention that the State publicity committees have served as "shock troops that carried out the attack upon the enemy" and he added "in a period of 4 or 5 short years they have just about changed the entire trend of economic and political thought in the United States."

And, brother, he spoke the truth.

In 1922 an alltime record of 213 municipal electric systems came into being and 32 systems were sold out leaving 3,032 systems in business.

In 1923 there were 123 added and 72 subtracted to reach the alltime high of 3,083 city systems. But the trend had already started against them.

In 1926 there were 48 added and an alltime astonishing record of 315 sold out. In 1929 only 5 were added and 170 sold out. Not until 1933 was this adverse trend reversed.

Taking the 12 years, 1921 to 1932 inclusive, there were 2,748 at the beginning of the period, then there were 777 added, 1,666 subtracted for a remainder of 1,860 city owned electric systems.

The creation of new plants per year decreased from 213 in 1922 to a mere 5 in 1929. The sellouts were increased from 32 in 1922 to 315 in 1926.

The tremendous accomplishment in buying out 1,666 city-owned electric systems in 12 years becomes more apparent when one realizes that in the 79 years from 1882 through 1961 there were at one time or another 4,321 city systems (actual peak was 3,083 in 1923) and at the end of 1961 only 1,972 remained in business.

Subtracting 1,972 from 4,321 means 2,349 cities went out of business in 79 years or 30 per year.

But in the 12-year 1921-32 period, 1,666 went down the drain or 139 per year. Over two-thirds of the city systems were sold out in 12 years.

The other 683 were sold out over 67 years or 10 per year. Thus the contrast in the rate of sellouts was 14 to 1 for the 12-year period as compared to the other 67 years.

How many of the 1,666 sellouts were the result of the propaganda drive? Undoubtedly, there were other technical, engineering and economic factors operating against the smaller city electric systems.

After all, the record shows that the number of U.S. consumers served by public systems increased from 1.6 million in 1922 to 2.3 million in 1932 or about a 50-percent growth while private utility customers almost doubled. This means that larger and fast-growing city systems generally survived and prospered.

My conclusion from analyzing the 1921 to 1932 period is that the propaganda was effective. It paid off handsomely. The lesson this era teaches is that propaganda, false or not, can kill off many more consumer-owned systems in the future.

Yes, propaganda can hurt us.

Municipal electric systems in the United States

At end of year	Total number in existence	Cumulative total since 1882	Originated during period	Discontinued during period
1961	1,972	4,321	4	8
1933	1,875	3,932	17	2
1932	1,860	3,915	39	52
1931	1,873	3,876	26	80
1930	1,927	3,850	17	115
1929	2,025	3,883	5	170
1928	2,190	3,828	6	152
1927	2,366	3,822	26	314
1926	2,654	3,796	48	315
1925	2,921	3,748	61	186
1924	3,046	3,687	69	106
1923	3,083	3,618	123	72
1922	3,032	3,495	213	32
1921	2,851	3,282	144	42
1920	2,749	3,138	203	42
1900	728	754	112	7
1882	4	4	4	0

2. WHAT ORGANIZATIONS AND OUTLETS ISSUE THE UTILITY PROPAGANDA?

In 1924 Martin Insull, chairman of NELA's public policy committee, and brother of Samuel Insull, reported:

"We are no longer a local industry but one great national industry, coordinated through this National Electric Light Association."

However, by 1932, the private utilities had overplayed their hand. The unsavory Insull scandal shook the public confidence.

The 1927-35 utility holding company investigation by the Federal Trade Commission by 1930 had produced 26 volumes of documented evidence just on propaganda, corruption and lobbying, and this in turn was summarized in books like Ernest Gruening's "The Public Pays," Thompson's "Confessions of the Power Trust," Ramsey's "Pyramids of Power," Levin's "Power Ethics," and innumerable articles.

Because NELA had become subject to criticism, a change of policy was launched in 1932. The complete change of face was expressed by Floyd L. Carlisle of Niagara Hudson Corp. in his 1932 NELA address: "This association has gone back to first principles. We have become, by the changes in our constitution and by the clear expression of our membership, a pure trade association. There is a great work that we can perform which will be truly for the public welfare. This is the proper forum for the exchange of the most exact and scientific knowledge concerning our business. Our statistics, compiled from no other standpoint than the exact truth, can be helpful to governments, to industries, to banks, and to investors, as well as to ourselves. Any taint of propaganda, of lobbying, of trying to color facts, or to influence anyone except with facts is definitely, and I hope permanently ended in this association."

Then to complete the change, NELA was dissolved in January 1933 with the explanation that NELA has been "*** stamped, rightly or wrongly, with the reputation of a great propaganda organization and that it was best to end the association and start afresh."

In the place of NELA in 1933 appeared the Edison Electric Institute (EEI) as a fact-compiling association with a rigid code of business principles.

However, by 1962 the high-minded resolutions of 1933 are forgotten. The monthly EEI bulletin seldom lacks for at least one tax propaganda article. The annual EEI conventions feature many attacks on public power. EEI today is a propaganda organization, and openly so.

Three other national organizations subsequently came into being.

The National Association of Electric Companies (NAEC) was formed in 1945 to perform lobbying, headed originally by Purcell L. Smith at a \$65,000 annual salary, and with a budget which in 1953 amounted to \$534,000.

Formed in 1941 was the electric companies advertising program (ECAP), handled by N. W. Ayer & Sons with budgets running from \$1.5 to \$2 million per year.

Finally, in 1949, the public information program (PIP) was formed using the firm of Bozell & Jacobs with a budget of about a million dollars per year. PIP furnishes the shock troops trained to descend on a community to ring doorbells and get election results.

There are, of course, many allied propaganda outlets, notably the National Tax Equality Association (NTEA), E. Hofer & Sons, U.S. Chamber of Commerce, American Taxpayers' Association, Tax Foundation, and many others.

In the interest of simplicity, and since ECAP is the designated private utility advertising program and since a good file of ECAP ads is available, our analysis will concentrate on the ad contents of the electric companies advertising program.

3. WHAT ARE THE PROPAGANDA CHARGES BEING MADE AGAINST US?

Early in 1957 the Saturday Evening Post proudly issued a book reprinting the 169 full-page ads which had been run in the Post during the 15-year period, 1941-56, by ECAP, the Electric Companies Advertising Program. The Post claimed that these ads, together with its supporting editorials, had changed public opinion against Government ownership and in favor of business ownership of electric utilities.

Before analyzing these 169 ECAP ads, it may be helpful to note what ECAP says about itself. In January 1953 ECAP issued an inch-thick book covering its program 1941-52, containing testimonial letters from utility presidents, ad reprints, radio shorts, mats, survey results, cost data, participants, etc.

Participating companies rose from 42 in 1941 to 180 in 1946 and down to 129 in 1952. Expenditures rose from \$375,000 in 1942 to \$1.64 million in 1952. Magazine ad costs ran \$2.45 to \$3.03 per 1,000 magazines, with 35.7 million pages printed in 1948. In 1952 ECAP used 19 magazines for 2 to 13 insertions, with a page in Life costing \$19,200 and Saturday Evening Post \$14,670.

ECAP says the ads center on reputation: (1) to add to the reputation of the companies, (2) to detract from the reputation of Government power.

Another ECAP book, "Fact Finder," 1958 claims that public opinion which ran against the companies 5 to 4 in 1943 has been reversed 8 to 5 in favor of the companies in 1957. A 1957 ECAP survey especially concentrated on tax discrimination, claiming that the vote was 7 to 1 that cities should pay the same Federal tax that companies pay.

Turning to the 169 ECAP ads which appeared in the Post from 1941 through 1956, the theme of taxes gets emphasis in two ways, first in the signature and then in the ad copy content.

The August 7, 1943, ad introduced the tax-paying phrase in the signature: "This page sponsored by a group of 118 electric light and power companies—self-supporting, tax-paying businesses." The June 8, 1946, ad changed to "America's business-managed taxpaying electric light and power companies." The August 16, 1952, ad dropped the tax signature.

During the 9 years 1943 to 1952 the tax signature appeared in 102 Post ads. Since no other industry finds it necessary to refer to itself as taxpaying, this signature on the part of electric utilities is not only unique but purposeful. The innuendo clearly is that they are the taxpaying sector of the electric utility industry in contrast to the nontaxpaying sector.

That innuendo is false and deceptive.

Reviewing the content of the 169 ECAP ads shows taxes mentioned in 57, aside from signature. The frequency of tax ads rose with crescendo from one or two per year to

eight in 1954 through 1956 or two-thirds of the ads for those years.

The 57 tax ads begin mildly, five restating the signature, three saying companies pay taxes, and seven say companies do their job without tax subsidy.

The July 6, 1946, ad says "Government operations pay little or no taxes. Electric companies pay plenty." The ad continues by opposing Government running an electric business because, "Didn't we just fight a war against that very principle?" The November 2, 1946, ad wonders who makes up the tax loss when Government goes into the electric business.

The umpire is featured as pitcher November 22, 1947, and complains about government electric systems: "They receive subsidies, pay little or no interest on money they borrow, pay no Federal taxes." Ad repeated July 17, 1948. The football referee running with the ball came October 9, 1948, and was rerun October 8, 1949, and complains of Government power competition with the taxpayer footing the bill.

"Pay this bill for me, will you?" appeared April 16, 1949, claiming " * * * you do help pay a lot of other people's electric bills every month * * * the Federal Government is in the electric business in some parts of the country. It sells electric service to some people and to certain industries—below the real cost. Who makes up the difference? You do—the Government uses some of your taxes for that purpose."

The most vicious ad is the February 21, 1953; six poses of the outraged baby who is alleged to have inherited \$6 billion of debt for Federal dams on which the American taxpayer must pay \$150 million interest.

The antisocialism ads ran very heavily starting with the picture of the boy, Bible, ballot, key, and pencil; November 12, 1949, running about 30 ads by 1955.

The Niagara honeymoon, tax dollars in Hells Canyon, subsidy, favoritism, preference, special privilege, unfair, waste of tax dollars, increase public debt are among the themes and phrases in the tax ads.

"Are you an April fool victim every day of the year?" appeared March 31, 1956, and charges: "Take this matter of 'cheap' Federal Government power. It's 'cheap' for the people who get it only because you and other taxpayers pay part of their electric bills. First, your taxes help pay for the Government powerplants that serve the folks in this privileged class. And, second, the taxes you pay in your electric bill have to be higher because those people don't pay a fair share of taxes in theirs. So when you hear about 'cheap' Federal power, think of the trick that's behind it. Remember—one of the victims of that trick is you."

Answer: False. Federal power investment must be repaid into the U.S. Treasury with interest. Debt incurred for Federal dams is self-liquidating and is not a burden on any taxpayer. The reason for much of the Federal income tax burden in electric bills of private power consumers is the large profits made by utilities. If they operate on a nonprofit basis, there is no Federal corporate income tax liability. That tax is not on electricity, it is on profits.

In short the accusations in the propaganda ads are quite simple. They attack the Federal power programs. Having found that the socialism tag did not take, the utilities hope to turn the public mind by means of the tax-dodger charge.

One of the most amazing ads, December 5, 1953, "Here's one that hasn't cost you a cent in taxes," features Washington Water Power Co.'s Cabinet Gorge Dam which was built only when the Government granted a huge accelerated amortization or fast tax write-off certificate. It is one of the most heavily subsidized of all private utility dams, as NWPPA testimony has repeatedly shown.

Another series of ads boasts of the job being done by private utilities in the atomic

field, again with no mention of the huge Federal subsidies they get.

Before leaving the subject of propaganda ads, it should be emphasized that both the Internal Revenue Service and the Federal Power Commission have declared them to be propaganda and have disallowed the cost from being deducted as utility expense. In Opinion 323 issued by FPC July 15, 1959, nine of the 1957 ECAP ads are reproduced and are found "to involve the presentation of argument in matters of political controversy, or have as their primary purpose the influencing of public opinion as to proposed legislation or the repeal of existing laws, and have a direct relationship to political matters."

4. WHAT IS THE RECORD OF OUR TAXES AND BENEFITS FOR PUBLIC PURPOSES?

The 1960 FPC statistics cover 271 public systems with 4.7 million customers or 61 percent of the public sector of the industry.

Three benefits are readily identifiable in the report. Out of the \$820 million gross revenues, taxes came to \$29.7 million, or 3.6 percent. The net income, which for public systems is plowed back into new plant or debt retirement, came to \$190.4 million, or 23.2 percent of gross. The two items together amount to \$219.7 million, or 26.8 percent of gross revenues.

The third benefit is the savings to the public due to lower electric rates. For residential use the average private and public rates were 2.62 and 1.58 cents per kilowatt-hour, respectively, or a difference of 1.04 cents, which when applied to the 20.422 billion kilowatt-hour residential sales of the public power systems comes to a saving of \$212,388,800. Likewise the respective average rates for commercial and industrial sales for private and public systems are 1.49 and 1.22 cents per kilowatt-hour, or a savings of 0.27 which applied to 29.822 billion kilowatt-hours amounts to a further saving of \$80,519,400. Further savings exist in the sales for public uses.

Much of the same is true of the rural electric systems. Turning to the 1960 REA report one finds \$594.7 million gross revenue, \$17.9 million taxes, and \$81 million margins or \$98.9 million of benefits or 16.65 percent of gross. Estimating benefits from lower rural electric rates is difficult, but if it amounts to 1 cent per kilowatt-hour on 27.2 billion kilowatt-hours, the amount is \$272 million.

The utility serving my home, Clark County PUD, in 1960 had \$5.26 million gross revenues and paid \$325,318 in taxes and plowed back \$1,050,685 in net earnings, the two together amounting to 26.2 percent of gross. In that year Clark County PUD electric rates were almost exactly 2 mills per kilowatt-hour below the rates of highly competitive Portland General Electric Co. across the Columbia River. When applied to the PUD sales, this 2-mill edge saves electric consumers \$1,218,922 compared to the nearest private utility system. Actually this is distorted because the PUD has had a salutary effect upon PGE rates.

Seattle had \$38.14 million gross revenues, \$3.357 million taxes and \$6.55 million net for a total of \$9.9 million benefits or 25.9 percent of gross. Seattle's 4.057 billion kilowatt-hours sales were made at 0.927 cent per kilowatt-hour compared to the nearest private utility, P.S.P. & L.'s 1.24 cents for a difference of 0.313 cent which multiplies out to a saving of \$12,700,000. In Seattle's case an additional benefit is the \$470,516 in free street lighting service in 1960.

A case study on tax and other benefits can be prepared for every public and cooperative system.

A survey by Klickitat County PUD showed that the construction of its rural electric lines increased rural real estate values and tax base by more than the worth of the entire electric system. Similar reports have been made by many rural electric coopera-

tives. The effect of rural electrification upon farm productivity, farm income, and increased tax base for all taxes is well known.

The Washington PUD Association issued an excellent study where eight PUD's re-computed their 1959 bills to schools, cities, counties, and other tax-supported public bodies by using the rates of the nearest private utility. The private utility rates would have resulted in charges of \$1,463,000 as against \$1,002,500 from the PUD's. This amounted to a direct saving to the taxpayers of \$460,500. Since 15 to 20 percent of all electricity used in the United States is purchased with tax dollars, the lower rates of the public and cooperative systems makes for Government economy and saves the taxpayer's money.

Other case studies can be prepared on the effect of low cost power in attracting industry. The 1945 tax study by BPA and the recent Flathead County analysis illustrate the method. Low cost power for irrigation pumping has opened new lands in the Pacific Northwest. Virtually every area and utility is a unique case study.

Of course, the target of the private utility tax propaganda is the Federal Government and the Federal power program of dams, transmission lines and REA loans. At first the utilities directed their propaganda against TVA, then socialism and in recent years on taxes. Clearly while taxation is the theme, the object remains to get the Federal Government out of the power business.

The record of benefits of the Federal power program can be measured both in national and local terms. The Nation has benefited from the multiple purpose water resources projects, where the power features made possible the flood control, navigation, irrigation, recreation, and other benefits. Without the prospect of power revenues most dams would not be feasible.

After the disastrous private utility power shortages of World War I, it is significant that Federal projects in the TVA, BPA, and other areas proved urgently necessary for national defense in World War II.

The Treasury benefits from the great increase in revenues as low cost power makes possible new industrial development, the opening of new lands and other economic growth. The record is clear that both TVA and BPA areas are now paying about twice the percentage of internal revenue collections as compared to 1933. Much of this improvement is the result of the Federal power program and the distribution of power by consumer-owned electric systems. It is a record of proud accomplishments.

5. WHAT IS THE RECORD OF PRIVATE UTILITY PROFITS AND TAXES?

The Federal Power Commission statistics for 1960 cover 270 class A and B private electric companies which comprise over 98 percent of the private sector.

Total utility earnings will be the basis of this analysis because the FPC data generally is on a consolidated basis. Total utility earnings in 1960 came to \$12,002 billion, of which electric revenues were \$10,116 billion.

Against the \$12,002 billion earnings FPC shows \$5,778 billion operating expense, \$1,182 billion depreciation, and \$1,154 billion in other taxes (other than Federal income taxes), or a total of \$8,114 billion in deductions. These costs would have been incurred if the private utilities had operated on a debt-free, nonprofiting basis. These costs amount to 67.5 percent of total utility earnings.

The remaining \$3,888 billion went for \$1,783 billion net income, \$693 million net interest cost, \$215 million for deferred income tax, and \$1,195 billion for actual Federal income tax. The latter figure for Federal income tax is shown by FPC as \$1,218 billion, less \$23 million income tax deferral for prior years.

The actual Federal income taxes came to 10 percent and other taxes 10 percent of all utility earnings.

The net income of \$1.783 billion came to 14.87 percent of total utility earnings, whereas net interest cost was only \$693 million or 5.78 percent of earnings.

By and large the private utilities pay almost 20 percent of their total earnings for taxes.

The Achilles heel of the private power picture lies in the division of the \$3.888 billion. The companies have \$21 billion of bond and \$19 billion of stock financing. On the \$21 billion bonds the net interest cost is \$693 million. The remaining \$3.195 billion of cost is incurred on account of the \$19 billion of stock. The dividends and Federal income taxes thereon constitute the big cost. If the companies used bonds in lieu of stock, the interest cost would be about \$622 million and would substitute for the \$3.195 billion for a saving of about \$2.5 billion or 20 percent of gross revenues.

6. HOW DO CONSUMER-OWNED SYSTEMS COMPARE WITH PRIVATE UTILITIES?

Comparisons require considerable caution. The hundreds of variables and changes in variables introduce hazards which prohibit precise comparisons.

However, the contrast between the private sector and consumer-owned sector of the electric utility industry requires no precision to get the point. Accordingly a broad brush approach will suffice.

The 1960 Edison Electric Institute Statistical Yearbook provides the basic data for revenue and rate comparison.

The table comparing electric rates shows that average residential price of electricity for the industry in 1960 was 2.47 cents per kilowatt-hour, being 2.62 for private utilities and 2.06 cents for consumer-owned systems, both cooperative and public. Compared to the private utility average residential price, the consumer-owned systems saved \$287,500,000 for their consumers.

If the private utilities had sold power to their consumers at 2.06 cents per kilowatt-hour, their consumers would have saved \$769,500,000. The total residential contrast is \$1,057 million.

This understates the contrast since consumer-owned systems serve considerable rural loads.

Turning to the second half of the table on the total sales, the average industry selling price was 1.69 cents per kilowatt-hour, being 1.82 cents for private utilities and 1.268 cents for consumer-owned systems. Compared to the private utility price, the consumer-owned systems saved \$896 million for their consumers.

If the private utilities had sold power to their consumers at 1.268 cents per kilowatt-hour, their consumers would have saved \$2,851 million. The contrast for all sales is \$3,747 million.

This contrast probably overstates the case because of the inclusion of direct industrial sales of the Federal power systems. Another distortion would result from the inclusion of large blocks of low-cost Federal hydro in contrast to private utility steam generation.

The actual combined electric revenues of private utilities and consumer-owned system was \$11.516 billion, divided \$9.432 and \$2.084 billion. Had the low and high prices been used throughout, the resulting revenues would have been \$8.665 and \$12.412 billion respectively.

Whatever distortions may be contained in these figures, the fact remains that they merely reflect the actual operations of 1960.

Looking behind the low prices of the consumer-owned systems one cannot but be impressed by the fact that these prices more than cover the costs.

Setting aside the sharp contrasts in electric rates, the remainder of the comparison

needs to be made by considering taxes and in the case of consumer-owned systems the dedication of net income to public use.

The public power systems listed in the FPC report contribute 26.8 percent for taxes and dedication of net income. The REA borrowers contribute 16.65 percent in taxes and dedication of net income.

Apparently the chief bone of contention between the comparisons as made by private utilities and as made by consumer-owned systems is in connection with the treatment of the net income of consumer-owned systems.

The net income of consumer-owned systems is not paid out to stockholders. It is generally used for new electric plant additions or for debt retirement. In either case the net income becomes part of the public equity owned by the people. This equity is a dedication of net income to public purposes. It is like a tax and constitutes a contribution in lieu of taxes.

On balance I must conclude that tax payments and contributions of net income for public use finds the consumer-owned systems at least on a par with private utilities, except that for consumer-owned systems most benefits remain in the community.

The real difference between the two approaches in the electric utility industry is in rates charged the electric consumer.

The accumulated results of the debt retirement policy of the consumer-owned systems appears in the official reports. The REA patronage capital credits by the end of 1960 amounted to \$325 million.

FPC 1960 report for public power systems shows an accumulated net income or public equity of \$1,968,321,604.

The policy of debt retirement by consumer-owned systems results in a gradual lowering of interest charges until the particular system becomes debt free and thereafter has no further interest charges.

In summary, the private utilities charge higher electric rates and operate for profit and they pay Federal income taxes on their profits.

The consumer-owned systems provide service at lower rates, operate on a nonprofit basis, and additionally plow back their net income to retire debt and thus establish an equity on behalf of their consumer-owners.

Comparison of electric sales, 1960, private utilities and consumer-owned utilities

(Dollars in billions)

	Private utilities	Consumer-owned systems	Total industry
Residential sales, (billion kilowatt-hours).....	138.252	51.659	189.911
Price per kilowatt-hour, (cents).....	2.62	2.06	2.47
Residential revenues.....	\$3.6195	\$1.0665	\$4.6860
Revenue repriced at 2.06 cents.....	\$2.85	\$1.0665	\$3.9165
Revenue repriced at 2.62 cents.....	\$3.6195	\$1.354	\$4.9735
Savings between 2.62 and 2.06 cents.....	\$0.7695	\$0.2875	\$1.0570
Total sales (billion kilowatt-hours).....	518.811	164.388	683.199
Price per kilowatt-hour (cents).....	1.82	1.268	1.69
Total revenues.....	\$9.432	\$2.084	\$11.516
Revenue repriced at 1.268 cents.....	\$6.581	\$2.084	\$8.665
Revenue repriced at 1.82 cents.....	\$9.432	\$2.950	\$12.412
Savings between 1.82 and 1.268 cents.....	\$2.851	\$0.896	\$3.747

NOTE.—Based on EEI Statistical Year Book for 1960, including Alaska and Hawaii.

7. HOW CAN PRIVATE UTILITIES REDUCE THEIR HIGH ELECTRIC RATES?

In 1948 Prof. James C. Bonbright, of Columbia University, and former chairman, New York Power Authority, served on the power committee which guided the research staff of the Twentieth Century Fund in prepar-

ing the monumental study "Electric Power and Government Policy." At that time he submitted this comment on electric utility taxes:

"The fact that electrical utilities operate, to a large extent, under conditions of decreasing costs for increasing quantities of service, adds weight to the argument that they should be given especially favorable treatment by the tax laws. The favorable treatment, however, should be made to redound to the full benefit of the ratepayers—an objective which is hardly attainable under our present ineffective methods of rate regulation. Utility tax reform must go hand in hand with reform in utility rate control."

More recently in addressing the Great Lakes Conference of Railroad and Utilities Commissioners, Labor Economist Solomon Barkin, director of research, Textile Union of America, made some specific suggestions for overhauling utility regulation. Particularly he urged elimination of common stocks in the financial structure of private utility enterprises. Excerpts from his address follow:

"The American people are on the threshold of demanding a complete review of our system of public utility regulation. * * * Probably the single most important reason for this concern is the dissatisfaction with rising service rates. The public has grown cynical of the degree to which their interests are protected and prices reasonably restrained. * * * Capital is rented no matter whether it be invested in the form of bonds, preferred or common stocks. The difference in the risks do not justify this classification. Why should not this fact be recognized in the entire system of regulation? * * *

"Many fundamental questions of economic import have to be raised in the public utility field. First is the propriety of the distinction between bonds, preferred and common stocks in this field. The existence of equity shares in the form of common stock distorts the nature of the public utility. It not only invites speculation but also encourages accounting practices designed to inflate the capital value of the enterprise with the resulting possibilities of forcing rate increases. Fundamentally, the differences in classes of equities should be eliminated. All financing of public utilities should be done through dividend-limited securities, such as bonds or preferred stock."

Private utility executives are not unaware of the possibilities of eliminating or drastically reducing the proportion of stock financing. In two cases they have been driven by necessity to adopt the idea.

Electric Energy, Inc., was formed in Kentucky as a syndicate of five companies to compete against TVA for the right to serve the AEC Paducah plant. A \$182 million steam plant of 1,041,000 kilowatt capacity was financed by means of 95 percent bonds and 5 percent common stock. For example, at the end of 1960 there was outstanding \$6.2 million in common and \$150.9 million bonds. The 1960 operating statement shows \$30.6 million gross revenue against which there was charged only \$348,000 in Federal income taxes and \$638,438 in other taxes or a total tax bill of less than \$1 million or about 3 percent of the revenues. Interest on bonds came to \$5.3 million leaving \$295,000 net income as a modest 4.75 percent rate of return on the common stock.

Ohio Valley Electric Corp. was similarly formed by 15 companies to serve an AEC load. At the end of 1960 there was outstanding \$310 million in bonds and \$10 million in stock. Out of \$71.5 million gross revenues the Federal income tax came to a modest \$885,416 and other taxes \$1,581,419 or a total tax of only 3.5 percent of revenues. The \$800,000 net income came to 8 percent on the common.

These two systems achieved an average financing cost of about 3.5 percent and are thus operating examples of how to achieve low-cost power on the order of 4.5 mills per

kilowatt-hour by steam generation. The key is the maximum use of bond financing so as to cut to the bone the twin burdens of common stock dividends and Federal income taxes.

For the private electric utility executives these two cases illustrate a lesson that the public will hear about sooner or later: Where there is a will, there is a way. But first there must be a will.

The pattern established by Electric Energy, Inc., and Ohio Valley Electric Corp. happens to be appropriate to the special situation created by the backup of a long-term AEC power purchase contract.

However, it is interesting to note that the Pacific Northwest Power Co., a syndicate of four companies which proposed to build the Pleasant Valley and Low Mountain Sheep Dams on the Snake River some years ago, proposed to use 85 percent bond financing and only 15 percent common stock. The will was provided in this case by the competitive situation.

From this "thin common equity" approach it is but a short step to 100-percent bond financing, with or without a nominal common stock which does not participate financially but is used merely for voting control. The use of 100-percent bond financing would for all legal and Federal corporate income tax purposes create a nonprofit operation which would be excused from both common stock earnings and Federal corporate income tax thereon.

The magnitude and impact if the private electric corporation executives could find the will to operate on this kind of a "nonprofit" basis would be tremendous.

Legal problems would require legislation perhaps at both State and Federal levels to permit building up reserves or equity on behalf of the consumer, so that in the long term the consumers would own the enterprise. One way is to set up an amortization charge, like the 40-year payout plan of the Hydro-Electric Commission of Ontario, as an operating expense, and having done that, then require electric rates to be set, using a rate stabilization reserve, so as to insure zero net income or nonprofit operation. Another way would be to commit all net income to a trust on behalf of the consumers similar to pension and other employee benefit trusts.

Setting aside the questions of control and trusteeship, the purpose here is to outline the huge impact possible on electric rates and utility ownership.

The 1960 FPC statistics for private electric utilities shows roughly \$12 billion gross income of which \$3.9 goes for interest, income tax, deferred income tax, and earnings accrued to stock. If bonds are substituted for stocks and only interest is paid, the companies would save \$2.4 billions or 20 percent on their \$12 billion gross income.

If rates were not reduced, but instead the \$2.4 billion in annual savings plus subsequent interest savings were applied to debt reduction, the companies would be debt-free in 14 years, aside from new debt incurred for expansion, which however, would likewise amortize itself in 14 years at the present electric rate levels.

If the institution of nonprofit operation were done on the basis of splitting the 20 percent per year savings with electric consumers by reducing rates 10 percent, then the remaining 10 percent would amortize the \$41 billion debt in about 23 years.

The latter approach is more typical of that used in the amortization policies of public power systems.

Such nonprofit operation will raise the cry that the loss of Federal corporate income tax must be made up in some other way. The answer generally is that the release of capital as electric property is amortized, makes those funds available for use in other capital opportunity markets. Also the cut in electric rates leaves more money in the pockets of consumers for spending in some other

way or for investment. In any event the broad scope of the Federal income tax mechanism will insure that most of the income tax loss will be rebuilt through other channels.

Summarizing this portion of the analysis, it is apparent that the traditional pattern of financing private utilities can be drastically overhauled by taking the common stock monkey off the backs of the utility companies. Common stocks do not furnish risk capital any longer, but on the contrary are a form of self-created, unnecessary risk.

The companies have about \$40 billion in debt outstanding. They pay \$693 million net interest on \$21 billion in bonds. Then they record \$1,783 million in earnings on behalf of \$19 billion in stocks. If the stocks were replaced with bonds at the same interest rate, the annual interest would have been \$622 million on those bonds instead of having to show \$1,783 million. Here is a direct savings of \$1,161 million.

This billion dollar cost is a billion dollar monkey on the backs of electric consumers for services not received.

Additionally, this billion dollars of unwarranted burden is the reason for the Federal corporate income tax burden of \$1,218 million even after the fast-tax-write-off allowance of an additional \$215 million. All of these cost problems can be solved by adopting a 100-percent bond financing approach for private electric utility enterprises. OVEC and EE, Inc., have shown the way for the most part.

8. CONCLUSION

The private electric utility corporation officers are not being candid with the American public.

They are devoting millions of dollars annually for advertising and other propaganda smokescreens.

Private utilities are stuck with obsolete financing patterns which should be reviewed, and then for the most part junked. The use of common and preferred stocks can generally be discontinued.

Elimination of stock financing would greatly benefit the electric consumer in the form of rate reductions and in enabling consumers ultimately to own the electric systems. In the long haul the initial loss of corporate income taxes to the U.S. Treasury would be rebuilt through other channels.

The matter is in the hands of the private utilities. They can answer the questions and issues which they raise in their own tax propaganda.

The private utilities at one time were both private and enterprising. Today the utility business is so clearly a public function and is so clearly established, that it no longer warrants common stocks financing.

The departure of private utility stocks from the market would release more funds for genuine private free enterprise. And I for one believe in and want to support genuine private free enterprise, just as I also believe in supporting, where appropriate, genuine public free enterprise.

DR. FELIX NABOR SABATES

During the delivery of Mr. MORSE's remarks,

Mr. HUMPHREY. Mr. President, I ask the Presiding Officer to lay before the Senate the message from the House of Representatives on S. 3453.

The PRESIDING OFFICER (Mr. JAVITS in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 3453) for the relief of Dr. Felix Nabor Sabates, which was, after line 6, insert:

Sec. 2. For the purposes of the Immigration and Nationality Act, Doctor Mehmet

Vechi Kalaycioglu shall be held and considered to have been lawfully admitted to the United States for permanent residence as of July 1, 1957, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Sec. 3. For the purposes of the Immigration and Nationality Act, Ali Khosrowkhab shall be held and considered to have been lawfully admitted to the United States for permanent residence as of April 29, 1946.

Mr. HUMPHREY. Mr. President, I move that the Senate concur in the amendment of the House of Representatives.

The PRESIDING OFFICER. The question is on agreeing to the motion by the Senator from Minnesota.

The motion was agreed to.

Mr. HUMPHREY. Mr. President, I thank the Senator from Oregon for his courtesy. This expedites some business.

Mr. MORSE. I say to my good friend that I have postponed my speech as a matter of accommodation to the leadership, so that it could take place at this time while the Senate still is waiting for its conferees to report on a couple of important conferences. My friend from California is waiting for me to finish so that he can extend the same courtesy to the leadership.

Mr. ENGLE. But not with a speech.

Mr. HUMPHREY. The speech is a very good one.

Mr. ENGLE. It is a good speech.

Mr. HUMPHREY. Mr. President, will the Senator yield further, so that the Senator from California may submit a conference report?

Mr. MORSE. I am delighted to yield with the understanding that the interruption will appear elsewhere in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF SECTION 502 OF THE MERCHANT MARINE ACT, 1936, AS AMENDED—CONFERENCE REPORT

Mr. ENGLE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11586) to amend section 502 of the Merchant Marine Act, 1936, as amended. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report. (For conference report, see House proceedings of today.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. ENGLE. Mr. President, I am pleased to be able to advise the Senate that the conferees on H.R. 11586 which is companion bill to S. 2800, the ship construction bill, have, with very minor

exceptions, agreed to the Senate amendments.

The Senate voted to remove the 6-percent west coast differential. The conference accepted this. With respect to the repeal of the 6-percent differential, the bill would not repeal the differential as far as bids opened prior to the effective date of the new act were concerned. This was also a Senate amendment.

With respect to allocations, existing law requires a periodical survey of private shipyards by the Secretary of Commerce in coordination with the Secretary of the Navy, to determine whether such yards are adequate to provide a mobilization base for national defense or emergency, and to remedy an existing inadequacy, if one is found. The Secretary may, with the approval of the President, allocate ship construction or reconstruction to any such yard to maintain its position and ability in the mobilization base.

As was stated in the House committee report on H.R. 1159 to repeal the 6-percent west coast differential, Congress has consistently recognized the need for having adequate, readily available shipbuilding facilities on all coasts for emergency use. It was urged then, and we do so here, that the allocation authority of section 502(f) be used wherever, and whenever, needed to keep the national shipbuilding mobilization base in balance.

The amendments were approved by the conferees. They will require the survey and report thereon be made at least once each year; change the phrase "existing inadequacy" to "existing or impending inadequacy," so that it is clear that a yard need not be completely down before allocation can be made; and remove the requirement of approval by the President. With the exception of "impending inadequacy" these were all Senate amendments.

Shipment of lumber from anywhere in the United States to Puerto Rico by foreign flag vessel would be allowed for an experimental basis for 1 year if the Secretary of Commerce found that no domestic vessel was reasonably available for the service. The Secretary could also terminate such an exemption from existing law whenever he found domestic vessels were available. With the exception of this 1-year limitation, this was the Senate amendment. The conferees added a permissive public hearing, with a cutoff from delaying court proceedings.

With respect to the 55-percent construction differential, the Senate voted a 1-year extension. The House voted 3 years, and also included a 60-percent differential for reconstruction or reconditioning.

The House conferees stood firm. We were successful in cutting the 3-year extension to 2 years, but to save the bill, agreed to the remainder of the House language.

Mr. President, these are the principal points in this legislation.

I urge the Senate to adopt the conference report.

Mr. METCALF. Mr. President, will the Senator from California yield?

Mr. ENGLE. I am glad to yield to the Senator from Montana.

Mr. METCALF. On behalf of the junior Senator from Oregon [Mrs. NEUBERGER], I have been requested to ask some questions to clarify some of the problems which have arisen in respect to the bill, and to make some legislative history.

My first question is this: Is it the understanding of the chairman of the Senate conferees that the term "reasonably available" may be defined as available at "a rate and quality of service competitive to shipping available to lumber producers in comparable foreign ports," such as Vancouver, British Columbia?

Mr. ENGLE. Mr. President, I am glad to respond to the question propounded by the Senator from Montana on behalf of the junior Senator from Oregon.

The language "reasonably available" means the Secretary of Commerce shall give consideration to all the facts and circumstances surrounding the lumber movements from and to the ports applied for. It is not proper to go into specifics and prejudice any decision by the Secretary of Commerce. But if it is the Senator's understanding that the language includes rates as well as service, then the Senator's understanding is the same as mine. The whole amendment must be read in the context of the problems of the lumber industry in getting access to domestic markets. Whether the problem—in an individual case—involves rates or service or Canada or Mexico is something the Secretary will have to take into consideration.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. ENGLE. I am glad to yield.

Mr. MORSE. Has the Senator from Montana finished with this point?

Mr. METCALF. I have finished with this point. I desire to ask another question along the same line.

Mr. MORSE. I have talked to the junior Senator from Oregon in respect to this matter. When the Senator completes his questioning, I should like to make sure that the legislative history is clarified as to what I believe to be the understanding of the junior Senator from Oregon, because what I believe to be her understanding is exactly the understanding of the senior Senator from Oregon. I think we ought to make the legislative history very clear, because unless we do there will be those who will contend that the language in the conference report provides the Secretary of Commerce with some escape hatch in regard to what he can or cannot do in respect to authorizing the use of foreign bottoms. Unless we can get that cleared up, I am not so sure that this is an acceptable conference report.

Mr. METCALF. Mr. President, if the Senator will yield, I say to the senior Senator from Oregon that the second question I wish to propound to the chairman of the Senate conferees will further clarify this point and further make legislative history on behalf of the junior Senator from Oregon.

We have clarified and explained the term "reasonably available."

Is it the understanding of the chairman of the Senate conferees that, immediately upon signing of this bill, a shipper could apply to the Secretary

of Commerce for a Jones Act suspension with respect to given ports; that such suspension would be granted, after due notice and opportunity for hearing upon a finding that no carrier was reasonably available; and that such suspension would continue to apply unless and until the Secretary made an affirmative finding, again after due notice and opportunity for hearing, that domestic flag shipping had become reasonably available?

Mr. ENGLE. The Senator is correct. As I read the amendment, the Secretary of Commerce is not required to make a determination on a ship-by-ship basis or on a cargo-by-cargo basis. In other words, he does not determine it for a cargo at a time or even for a ship at a time, but rather on the basis of a port or terminal area at a time. The determination will initially be made, after application by a shipper, as between the originating and the terminating port or terminal areas that are applied for. If changed circumstances prompt a petition for withdrawal of the suspension, the Secretary will make a new determination with the same procedures that are required for the original determination.

Mr. METCALF. On a port-by-port basis.

Mr. ENGLE. The Senator is correct.

Mr. METCALF. I thank the Senator from California.

Mr. ENGLE. I have been delighted to yield to the Senator from Montana.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. ENGLE. I am glad to yield to the Senator from Oregon.

Mr. MORSE. The Senator from California helped to clarify the situation somewhat. But as a supporter of the amendment of the junior Senator from Oregon, I wish to make very clear the understanding of the senior Senator from Oregon as to its intent, for our problem is merely as follows: We are in competition in the Pacific Northwest and all along the west coast—it applies to the State of the Senator from California as well—with Canadian mills, who by and large frequently have a great advantage over American mills, since they are allowed to ship in foreign bottoms at a great saving, if the American mill must pay the rates that most American ships require.

I wish to state a hypothetical case involving either the port of Coos Bay, Ore., or the port of Portland serving lumber mills shipping to Puerto Rico, or lumber mills that could ship to Puerto Rico if they could compete with Canadian mills.

One of the reasons such mills cannot ship to Puerto Rico is that the Canadian mills have a great advantage in cost of transportation. That situation locks Oregon mills out of Puerto Rico because that is what has been happening. We have not been shipping American lumber to Puerto Rico. The primary reason the mill operators give to us is that they cannot ship as cheaply. Therefore, they cannot offer the lumber price that the Canadian mills can offer.

On the basis of the answer that the Senator from California has given, suppose those lumber mills in Coos Bay or

in Portland or the port authority of either port should say to the Secretary of Commerce, "We have a lot of orders to ship lumber to Puerto Rico that we could fill if we could meet the Canadian competition, and we could meet the Canadian competition if we could ship in foreign bottoms."

Suppose further that the reply would be, "We think that X or Y American Steamship Co. has ships available."

The bill operators might say, "They have ships available but at transportation rates that we cannot afford to pay."

Under the facts stated, would the Secretary of Commerce be in a position to authorize the Coos Bay mills and the Portland port mills to ship in foreign bottoms unless the American shipping companies would say, "We will meet that competition and send the lumber in our bottoms at a competitive rate?" Yes or no.

Mr. ENGLE. Other than perhaps the junior Senator from Oregon [Mrs. NEUBERGER], the senior Senator from Oregon is probably better qualified than anyone else to interpret the amendment, because the junior Senator from Oregon, in consultation, I assume, with the senior Senator from Oregon, wrote the language of the amendment.

The amendment provides in effect that "the Secretary determines that there is no domestic vessel reasonably available to serve between such ports or terminal areas for the transportation of such lumber."

In answer to the question asked by the Senator from Montana, I said that, as I construed the amendment, it would apply to and include rates as well as service.

So to make it perfectly clear what we are talking about, I am advised we are not sending any lumber now from American ports via American-flag lines, for the very reason mentioned by the Senator from Oregon, namely, that we are priced out of the market in relation to transportation costs.

So as a consequence, I assume—and I believe it is also the opinion of the senior Senator from Oregon, as well as the author of the amendment, the junior Senator from Oregon [Mrs. NEUBERGER]—that it is the intention to take into consideration the competitive situation as well as the problems of service.

Mr. MORSE. I wish to say that before the last explanation by my friend from California, the senior Senator from Oregon would have been very happy to accept this delegation of authority from the Senator in charge of the bill to make the legislative history on the floor of the Senate. But then the Senator from California went on to make exactly the legislative history that the senior Senator from Oregon would make. I want the RECORD to show that I completely agree with the legislative history that that Senator from California has made, because, in my judgment, that legislative history stated only one interpretation, and that is rates, as well as other factors, can be taken into account by the Secretary of Commerce in determining whether American ships are reasonably available.

Mr. ENGLE. We wish to make that perfectly clear, because otherwise a ship could be bootlegged into a port and a statement made that it is available for service, but actually, from a practical standpoint, it would be of no use at all, because competitively we would be out of the market.

Mr. President, I wish to express my appreciation to the senior Senator from Oregon for yielding this time to me for this purpose.

I move that the conference report be agreed to.

Mr. STENNIS. Mr. President, I wish to highly commend the Senator from California [Mr. ENGLE] for the very fine way in which he has represented the Senate and rendered an outstanding service to the Nation as chairman of the conference committee on this bill. He showed a splendid knowledge of the subject matter of the bill, complicated as it is, as well as the amendments thereto. Furthermore, he applied himself rigidly to the long and difficult task and showed in many ways that he is a skillful and valuable legislator in reaching agreements that make sound legislation. I commend him highly for this valuable service, and as one who was interested in the legislation and was in contact with him in his work, I am pleased to call his accomplishments to the special attention of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California.

The report was agreed to.

ADDRESS BY SECRETARY OF DEFENSE AT ANNUAL GEORGE C. MARSHALL MEMORIAL DINNER

Mr. RUSSELL. Mr. President, on Wednesday, October 10, 1962, our very able Secretary of Defense, the Honorable Robert S. McNamara, was the principal speaker at the annual George C. Marshall memorial dinner of the Association of the U.S. Army, here in Washington.

In a brilliant address, Secretary McNamara gave a broad review of our defense responsibilities and capabilities, with special emphasis upon the role of the modern army.

Those of us who knew and admired General Marshall will appreciate the high and deserved tribute which the Secretary of Defense paid that great American. The Secretary's speech will make notable reading for all of us who are interested in the defense of the entire free world. Therefore, I ask that the speech be printed in the body of the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS BY SECRETARY OF DEFENSE ROBERT S. McNAMARA AT THE ANNUAL GEORGE CATLETT MARSHALL MEMORIAL DINNER, ASSOCIATION OF THE UNITED STATES ARMY, WASHINGTON, D.C., OCTOBER 10, 1962

It is a double privilege to be here with you this evening. By this occasion we honor two great soldiers. They served together in a war to defend human freedom against the greatest threat it had ever faced. When that war was won, they worked together to build the defenses of the free world against an even

greater threat. In a sense they are both here in this hall, one quite vividly in spirit, and the other in person.

I never knew General Marshall. But no one who served under him, even in a very junior capacity, as I did, could help but absorb some appreciation of his extraordinary qualities. His contributions to the Army, to our country, and to the human race suggest the breadth of his concern—and the foolishness of trying to pigeonhole something called "the military mind."

Through the first peacetime Selective Service Act, he gave the Army the manpower it needed in a time of crisis. As a military adviser to the President, he was the principal architect of the strategy that gave us victory. As the author of the plan that bears his name, he gave the free world an idea that helped to bring Europe back from the ashes, and that is now being applied in our own hemisphere through the "Allianza para Progreso." One of General Marshall's wisest choices, demonstrating again his remarkable powers of judgment, was his selection of Dwight D. Eisenhower for early high command, leading to the career for which we are honoring General Eisenhower this evening.

General Marshall himself received many well-deserved tributes during his career. The highest tribute that I know of was paid to him by Henry Stimson, when Mr. Stimson was Secretary of War. Those of you who attended this dinner last year heard these words from Robert Lovett. I think they are worth repeating. Speaking on V-E day to a small gathering of War Department leaders, Mr. Stimson turned to General Marshall and said:

"I want to acknowledge my great personal debt to you, sir, in common with the whole country. No one who is thinking of himself can rise to true heights. You have never thought of yourself. Seldom can a man put aside such a thing as being the commanding general of the greatest field army in our history. This decision was made by you for wholly unselfish reasons. But you have made your position as Chief of Staff a greater one. I have never seen a task of such magnitude performed by man."

"It is rare, late in life, to make new friends; at my age it is a slow process, but there is no one for whom I have such deep respect and, I think, greater affection."

"I have seen a great many soldiers in my lifetime, but you, sir, are the finest soldier I have ever known."

What I want to talk with you about this evening are the responsibilities and the challenges that confront today's soldiers, and today's Army.

My thesis is a paradox—actually, a paradox within a paradox.

The first paradox, which I will only mention, is this: As the United States strives to maintain the great and increasing military might required to protect our vital interests and the vital interests of the free world, we must at the same time strive for disarmament arrangements that will reduce the danger of war. General Eisenhower personifies that paradox. He is distinguished not only for leading the greatest military expeditionary force in history, but also for breaking new ground in the field of disarmament. There is, of course, no inconsistency in pursuing worldwide disarmament while pursuing free world strength: We seek disarmament, but not unilateral disarmament. The disarmament we seek, like the strength we have, is intended to preserve our real security.

The second paradox—the one I want to discuss more fully this evening—relates to the role of the Army: As weapons of mass destruction grow more powerful, numerous, and widely proliferated among the nations of the world, the role of the Army, and even

the role of the individual combat soldier, becomes not less but more important.

The continuing growth of the Soviet nuclear force is the fundamental fact influencing all our military planning. Our first responsibility to ourselves, to our allies, and to the free world is to preserve the vital interests of the free world while avoiding nuclear war. We deter the Soviets from using their growing nuclear force by maintaining a nuclear force strong enough and survivable enough to ride out any conceivable nuclear attack, and to survive with sufficient power to cause unacceptable damage to the attacker.

We have such a force today, and we have increased the budget to assure that we shall have such a force in the future.

The Polaris submarines deployed around the world, our bombers on 15-minute ground alert, our intercontinental missiles, increasingly hardened and dispersed in a great arc across the western plains provide the required deterrence. We have no reason to fear the Soviet rocket rattlers. Mr. Khrushchev himself has recognized the dangers of nuclear war in his much-quoted speech of January 6, 1961, when he said, "the problem of preventing a global thermonuclear war is the most burning and vital problem for mankind."

But Mr. Khrushchev remains an enthusiastic advocate of other kinds of wars, which he calls "wars of national liberation," and which we identify as subversion or covert aggression. He favors these wars because he believes they are below the threshold of nuclear deterrence; and recent history tends to support his judgment. The U.S. nuclear superiority did not deter the Communist invasion of Korea nor the Communist drive for domination in southeast Asia. Today the threshold of nuclear deterrence is still quite low. But as the Communist nuclear strength increases over the years, that threshold is bound to rise, whatever our margin of nuclear superiority. Therefore, we require increasing capability to deter forms of political and military aggression against which the application of nuclear weapons may not be a credible response.

It is essential in order to protect our own national security, as well as to meet our responsibilities as the leader of the free world, that we develop and maintain the forces to deter Communist aggression across the entire spectrum of military and paramilitary aggression—and, if deterrence should be unsuccessful, to stop that aggression dead in its tracks.

Mr. Khrushchev also likes to talk about "peaceful coexistence." To the extent that his peaceful coexistence means competition in advancing the well-being of peoples in the developing nations, or in the peaceful arts and sciences, or, in the race to the moon, we welcome the Communist challenge. As President Kennedy has said, "If freedom and communism were to compete for man's allegiance in a world of peace, I would look to the future with ever-increasing confidence."

But the Soviets are not limiting themselves to such competition. So-called peaceful coexistence encompasses many levels of conflict from agitation to assassination, from trade fights to shooting fights. That is why countering Communist aggression requires the organized efforts not only of all of the four military services but of all the agencies of Government. This effort is making new demands on each of the military departments. The Army in particular must expand diversity and modernize itself to deal with a wide range of counterinsurgency and limited-war situations.

I must emphasize that these new requirements do not imply any shift in our stated policy on the use of nuclear weapons. The President has declared that "the defense

of Europe and the defense of North America are indivisible," and he has expressed "the hope that no aggressor will mistake our determination to respond instantly with whatever force is appropriate." The appropriate response, whether it be nuclear or non-nuclear, whichever best supports our objective, will be made promptly and forcefully.

The U.S. Army has risen to many challenges in its 187-year history. The 145 battle streamers on the Army flag represent past threats to America extending from the Revolution to the Korean conflict. Rapid changes is no new experience for a service that in World War II expanded from a small peacetime force of some 270,000 to a modern Army of over 8 million—that in 1950 changed from garrison duty in Japan one day to combat in Korea the next—a service that knows that today it may be in training one hour and in combat the next in any part of the globe.

It has been an impressive and inspiring experience for me to observe the Army responding to the challenges of the sixties. You all know that the number of combat-ready Army divisions has increased by 45 percent in the past 14 months.

All of you may not be aware that both the 1962 and the 1963 budgets included over \$2½ billion for Army procurement of weapons and equipment—65 percent more than appropriated for fiscal year 1961.

Equally important for the Army is the fact that 1963 procurement funds for airlift aircraft are double the amount for 1961 and that twice as many tactical fighters are being procured for the Air Force in fiscal year 1963 as in fiscal year 1961.

Together with these substantial increases in Army combat effectiveness, a greatly intensified effort is being made to assist our friends and allies in meeting the threat of Communist-supported insurgent movements. The Army's Special Forces have now been built up to almost four times their strength at the beginning of 1961. In addition these forces are contributing to a development to which I attach extreme importance. Augmented by special units, they are demonstrating the ability of our Armed Forces to play a vigorously constructive role in support of the economic and social development of less developed areas within our defense perimeter. We know how importantly economic and political reforms contribute to defense against subversion. We recognize the fact that it is this kind of progress, building on whatever can be achieved through military or paramilitary means, that provides the long-term solution to defense against subversion. The Army has a particularly challenging role to play here, and it is making encouraging progress in meeting that challenge.

Incidentally, the cost to the taxpayer of all these developments would be considerably higher but for our overall program to increase the efficiency and reduce the cost of our logistics operations. We have initiated actions since 1961 that will cut the costs of such operations by more than \$1 billion in fiscal year 1963 and by at least \$3 billion per year within 3 years. The Army's share in this cost-reduction program for 1963 is \$377 million.

At the same time that the Army has been absorbing these large increases of men and equipment and innovations in doctrine, it has been going through a major reorganization involving combat arms and technical services that date back almost two centuries to the time of our first Commander in Chief. This reorganization, which has been planned by the Army staff to bring the Army structure into line with its new obligations and new operations, has been the most comprehensive since Secretary Root created the general staff system in 1903. It has required thousands of man-hours of studies and thousands of pages of planning documents.

But all of these plans and programs would have come to nothing without the dedicated efforts of men and women whose job it is to carry out the plans at every level of responsibility—from the division commander to the last private—from a special forces team in Vietnam to the infantry squad in Berlin—from the immediate office of the Secretary to the records rooms in the sub-basement in the Pentagon.

There is no more important concern in the management of the Department of Defense than the welfare and morale of these men and women. I should like to list for you some of the major steps that are being taken to improve their welfare and maintain their morale:

1. The first increase in quarters allowance for military personnel since 1952, will go into effect 90 days from now—an average increase of 18 percent.

2. The Congress has just approved a 50-percent increase in the military housing program for the current fiscal year over the previous year.

3. The per diem allowance for both military and civilian personnel has been increased to meet higher costs of living.

4. At our request, the President has appointed a Special Committee on Equality of Opportunity in the Armed Services to consider particularly ways to alleviate the problems of off-base discrimination in housing, in education, in transportation, and in recreation, that makes life more difficult for soldiers and their dependents not only in some overseas areas, but also in some parts of our own country.

5. A comprehensive study of military compensation is being completed, looking toward legislation in the next Congress that should bring a long-overdue increase in military pay scales and incidentally reduce the drain of skilled manpower trained at Government expense away from the services to private industry.

These improvements in the circumstances of military service are the least that we owe to our service people. But these are surely not the attractions that draw men and women to the services, or that sustain them through the rigors of military life. They march to the music of a more distant drum.

In Germany 2 weeks ago, and earlier in Vietnam, I had an opportunity to observe and talk with some of the officers and men who are occupying our most forward positions under extremely difficult circumstances. I can only report that their readiness, their determination, and their sense of humor, measure up to the highest standards of the U.S. Army.

I had a rare insight into the motivations for military leadership the other day when President Kennedy shared with me a letter that he received from Maj. Gen. William F. Train in response to the President's letter of condolence about General Train's son, Lt. William F. Train III, who was killed in Vietnam.

General Train wrote:

"After graduation from West Point in 1959 and completion of the Infantry School, followed by airborne and ranger training, our son chose Korea as a demanding first assignment. He was completely dedicated to 'duty, honor, and country' and the life of a soldier. While there, in addition to his military duties, he actively sought to make friends with the Koreans, learn their language, and acquaint himself with this life and culture. He thus exemplified the qualities of leadership, diplomacy, and civic-mindedness so urgently advocated by you in your speech to the graduating cadets at West Point on June 6. Upon his return to the United States, he served at Fort Myer, Va., for almost a year, and then volunteered for the new challenge of Vietnam. He believed that his success with the Koreans, together with his facility

in French, would be of especial value to his country there.

"His dedication and achievement in his work are fortunately memorialized in the words of a man who served under his command; a sergeant, who wrote: 'His fierce devotion to duty and his tremendous talent for taking care of small details, as well as large ones, endeared him to his men. We knew him as one officer who "always had time." Even when he didn't have time, he took time. We always got the impression that we were second only in importance to the mission to be accomplished. This is what enlisted men look for in officers and this is also what causes men to follow such a leader with an unquestioning attitude.'"

General Train continued:

"We send you this letter to thank you for your condolences and to tell you about our son. We are anxious that our Nation remember him not just as another casualty of the cold war, nor even only as our son, but rather as a loss to the Army and to the Nation, of one of its promising, courageous young officers. We buried him at West Point on July 9 in the hallowed ground of the Military Academy whose motto of 'Duty, Honor, and Country' he lived during his brief life."

It would be presumptuous of me to follow General Train's words with any words of my own. Instead, let me conclude by reading to you a few sentences spoken by General Marshall at Trinity College in June 1941, on one of the few occasions when he unburdened himself of his inmost feelings.

"The soldier's heart, the soldier's spirit, the soldier's soul, are everything. Unless the soldier's soul sustains him he cannot be relied on and will fail himself and his command and his country in the end.

It is morale that wins the victory.

"It is more than a word—more than any one word, or several words, can measure.

"Morale is a state of mind. It is steadfastness and courage and hope. It is confidence and zeal and loyalty. It is elan, esprit de corps, and determination.

"It is staying power, the spirit which endures to the end—the will to win.

"With it all things are possible, without it everything else, planning, preparation, production, count for naught.

"We are building that morale—not on supreme confidence in our ability to conquer and subdue other peoples; not in reliance on things of steel and the superexcellence of guns and planes and bombsights.

"We are building it on things infinitely more potent. We are building it on belief for it is what men believe that makes them invincible. We have sought for something more than enthusiasm, something not merely of the intellect or the emotions, but rather something in the spirit of the man, something encompassed only by the soul."

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of nomination was submitted:

By Mr. JOHNSTON, from the Committee on Post Office and Civil Service:
Six postmaster nominations.

Mr. MORSE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. METCALF in the chair). Without objection, it is so ordered.

COMMENDATION OF NICHOLAS deB. KATZENBACH

Mr. HUMPHREY. Mr. President, I want to take this occasion to express my congratulations to the distinguished Deputy Attorney General of the United States, Mr. Nicholas deB. Katzenbach. It was his responsibility to represent the Government of the United States during the crucially delicate and unfortunately critical days of tension at the University of Mississippi, in connection with the Meredith case. He acted with great distinction and honor. His address before the law students at the university, appealing to the deep sense of honor that has always been characteristic of the South, received for him a standing ovation, and also the applause of millions of Americans who were not present on that occasion.

These have been sad days. The President of the United States faced a trying problem with understanding, courage, and decisiveness. We all pray that this chapter in our history will quickly assume its proper perspective as America continues to strengthen its democratic institutions as it demonstrates to the world that although the path to freedom is strewn with many obstacles, it is the surest road toward the fulfillment of aspirations.

APPROPRIATIONS FOR TEXTBOOKS IN DISTRICT OF COLUMBIA SCHOOLS

Mr. HUMPHREY. Mr. President, I am pleased to note that the conference on District of Columbia appropriations has approved an additional \$135,400 above the normal amount, to replace obsolete and worn-out textbooks in District of Columbia schools.

I am sure Senators recall that earlier this year I brought to the Senate Chamber a number of exhibits of textbooks used in the schools of the District of Columbia, books 25, 30, or 35 years old, totally out of date, having no relevancy whatever to the world in which we live—for example, science textbooks which refer to airplanes which, with at least one stop for refueling, might without too much difficulty be able to cross the United States, from New York to Los Angeles, in anywhere from 12 hours to 24 hours. I was of the opinion that such textbooks, particularly science textbooks, were so obsolete that they should be replaced; and I made a fight to obtain new textbooks for the District of Columbia schools. In my opinion the schools in the city of Washington, D.C., should set a standard for the rest of the Nation; they should not be lagging behind the schools in other parts of the country.

In a Federal budget which deals routinely with billions of dollars, \$135,400 may seem relatively small and distinctly modest. But to me—and to thousands of boys and girls who are studying in

Washington's schools—it is extremely important. I consider the approval of this appropriation by Congress a big victory.

I am very much indebted to the chairman of the subcommittee, the Senator from West Virginia [Mr. BYRD], for his cooperation and helpfulness in obtaining this appropriation. I am sure Senators will recall that my interest in this subject was aroused when a delegation of students from the District of Columbia schools came to my office on a Saturday afternoon and pleaded with me to do something about their textbook situation. When young people will take the time to come to a Senator's office and ask for better books in their schools, that is a good sign, and is a call to action.

As a result of that visit, we did take action; and now the District of Columbia schools will at least have additional funds for the purchase of textbooks, and that will help considerably in relieving the obsolescence of these schools in that respect.

As I have said, earlier this year I spoke in the Senate of the shocking condition of textbooks in District of Columbia schools. We learned that in many Washington schools, students in some classes did not even have books that they could take home for study. We learned that some subjects were taught with textbooks as much as 30 years old, or textbooks so tattered and worn that rubber bands were used to keep pages together. We learned that courses of modern physics, for example, were utilizing books published long before any reference to nuclear physics could be included, and proclaimed such wonders as refrigerator boxes being kept chilled by "melting ice."

I was shocked at such a disgraceful blemish on education in Washington, and I vowed that Congress would not adjourn this year without appropriating funds to bring supplies of up-to-date textbooks to the local schools.

Superintendent of Schools Carl Hansen ordered a "crash" survey of textbook needs; the Senate Appropriations Committee acted favorably on his recommendations, with the help of the chairman of the District of Columbia Subcommittee, the Senator from West Virginia [Mr. BYRD]; and this week the Senate and the House conferees completed the approval of the additional funds.

I am confident that this sum will enable the District of Columbia school officials to place modern textbooks in the hands of the children in the District, and that as a result the education and the intellectual development of these children will be given a huge boost.

But let me add that we must never face such a disgraceful situation again.

I urge that the District school officials conduct a thorough and detailed survey of the textbook needs every year, and that those needs be made known to the District of Columbia officials and to the Congress.

I pledge also that, as long as I am a Member of the U.S. Senate, and as long as the U.S. Congress holds authority and responsibility for District of Columbia

schools, I will work to see that the disgrace of obsolete, tattered, inadequate, and insufficient textbooks does not recur in Washington schools.

Somewhere in the foreseeable future Congress may find that it has more important things to do than to serve as a city council. I once served as mayor of a city. While I respect such service and know what a thrill it is to serve in local government, it seems peculiar to have Senators from 50 States acting as a board of aldermen. If anyone can justify not having home rule on the basis of that sound government practice, I am here to learn a lesson on the validity of such a justification. The truth is that the District of Columbia needs home rule. The truth is that, until it gets home rule, we are going to have to be piddling around year after year, spending many hours of needed time, arguing, for example, about whether there ought to be new grammar books in the schools of the District of Columbia. Most city boards do not have to do even that. They have school boards that make such decisions. The school boards have authority to do it. Somehow or other, we insist on having a certain degree of colonialism, even though I thought we had repudiated it back in 1776. So we keep the Federal Government busy deciding such questions as whether one may stand at a bar or whether he must sit in order to be served a drink. That is a function of local government. What amazes me about this question is that those who are the greatest proponents of States' rights are among the strongest opponents of local government for the District of Columbia.

I hope I shall live long enough to see local government come to the District of Columbia. I hope sometime a Senator can return to his constituency and say, "I had as much time for you as I did for District of Columbia affairs." The way it is now, we spend many hours trying to act as a board of aldermen for the District of Columbia.

Mr. CASE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. CASE. I fully agree with what the Senator from Minnesota has said. In addition to the substance of the remarks he was just making, I also agree with the hope that we may sometime return to our constituents—period.

Mr. HUMPHREY. The Senator is a very hopeful man. I have canceled so many appointments back home that I do not know if I dare go there. I thought we might as well use this evening while we were awaiting important business of the day, such as supplemental appropriations and conference reports. But the Senator is right. Were it not that we had had to indulge ourselves in being local government officials, we might have cut a couple of weeks off the length of the session of Congress.

Our effort to secure necessary funds for school textbooks was successful. But another—and equally important effort—will have to be repeated.

I warn my colleagues that I shall be back on the same old stand next year,

asking for sufficient money for the schools of the District of Columbia.

I speak of the need for adequate library facilities, personnel, and books in District of Columbia schools.

On the basis of Superintendent Hansen's survey and report, we urged an appropriation of \$40,800 to hire 10 school librarians and \$25,000 for library books for 10 elementary schools which now have the space for libraries.

This was a modest request. It was little more than a start to correct a situation in which District school libraries are shockingly inadequate.

Unfortunately, the District appropriations conferees did not approve these modest sums for school library books and personnel.

On May 23 of this year, I said in the Senate that Washington, D.C., has the worst school library system in the Nation compared to cities of its size.

Today and next year it will still have the worst system.

No Senator would tolerate such a situation in his own State. He would be ashamed to come to Washington lest some person might ask, "What is your library situation back home?" But in Washington, the Capital City of the Nation, where there are millions of visitors from the States and thousands of visitors from countries throughout the world, there is one of the most inadequate school library systems—in fact, the most inadequate school library system. We will try to straighten out that situation next year. Batten down the hatches—the storm is coming. We must have money for school libraries. Unless we do, we shall continue to have a bad library system.

The facts are clear. The national standard for school libraries is an expenditure of \$3 a year per child.

In the vernacular, in Washington, D.C., that means three martinis or three tickets to a show per child per year. I think any city of this size can afford \$3 per child per year for books.

Washington, in comparison, spends 58 cents for each junior high school student, 76 cents for each high school student, and nothing—zero—for each elementary school child.

So I serve notice, while I am in the full bloom of fatigue after a long session, that I will resume the crusade for libraries for Washington next year. I worked for such objectives while I was mayor of a city—good libraries, better textbooks, higher teachers' salaries. I am of the opinion that such things pay for themselves.

I cannot be satisfied that we in the Congress have fulfilled our responsibilities until the children of this city have a reasonable chance for full education through the vital tool of school libraries.

Again, I am grateful that with an additional appropriation of \$135,400, District school officials will be able to provide adequate supplies of modern textbooks.

I suppose half a loaf is better than none. After one has been in Congress a while, he learns that if he can get the crust, much less half a loaf, he begins to think he has been fortunate.

But the other half—library books and facilities—is just as vital. I will not rest until the children of this city are given the full intellectual nourishment they want and need—through both textbooks and library books.

There is one way my colleagues can stop me from doing this, and that is to give this city self-government. I will quit talking about libraries and schools and will not harass my colleagues then. But, as long as I am an alderman for the District of Columbia and that is a part of my job, I am going to be an active alderman. I am going to do everything I can to get the resources that are needed. A great Capital City ought to be without slums. It ought to have the finest school buildings in the world. This city should be a model for the whole world. It should be a shining example of local government.

The only way I know of to obtain these things is by having the Congress relinquish the controls it now exercises over the city of Washington and permit the people to govern themselves, elect their own mayor, their own alderman, their own commissioners or council—call them what you will, Mr. President—and permit Washington, D.C., to have local government, like every other major city in the United States. Then we would not have to be asking, in this Chamber or in the other House, for money for libraries, textbooks, paper clips, rubber bands, and everything else that is needed to operate a school system.

I express my thanks for what was done and what Congress did authorize and appropriate. Secondly, I want my colleagues to know that when they return next year the same old record will be played, only this time the other side will be played—the librarian side—and we will still have to consider the need for adequate textbooks.

EXECUTIVE SESSION

Mr. HUMPHREY. Mr. President, I now move that the Senate proceed to the consideration of executive business, and take up certain nominations of postmasters reported today.

The motion was agreed to; and the Senate proceeded to consider executive business.

The PRESIDING OFFICER. The nominations of postmasters reported today will be stated.

POSTMASTERS

GEORGIA

The legislative clerk read the nomination of Hazel W. Lawson to be postmaster of Avondale Estates, Ga.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

ILLINOIS

The legislative clerk read the nomination of Donald E. Howe to be postmaster of Warrensburg, Ill.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

NEW JERSEY

The legislative clerk read the nomination of Mabel P. Wood to be postmaster of Barnegat Light; M. Josephine Hulmes to be postmaster of Lebanon; Margaret L. Wetzel to be postmaster of Leonardo; and Henry P. Hofstetter to be postmaster of Pine Beach.

The PRESIDING OFFICER. Without objection, the nominations are confirmed.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the President may be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. HUMPHREY. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

Mr. HUMPHREY. Mr. President, I yield to the Senator from Idaho.

Mr. CHURCH. I thank the Senator very much. I wish to pay brief tributes to two colleagues who will not be with us next year, if the Senator will yield for that purpose.

Mr. HUMPHREY. I yield to the Senator, but I wish to hold the floor.

The PRESIDING OFFICER. Without objection, the Senator from Minnesota yields to the Senator from Idaho without losing his right to the floor.

TRIBUTE TO SENATOR OREN E. LONG, OF HAWAII

Mr. CHURCH. Mr. President, all of us have noted with sorrow that the distinguished junior Senator from Hawaii [Mr. LONG] will be leaving this Chamber on the adjournment of this session of the Congress and returning to his beloved State of Hawaii. I wish to add a few words to those my colleagues have spoken in tribute to Senator Long.

I first came to know him many years ago when I was still a college student and went to Hawaii on a debate team, on the invitation of the students at the University of Hawaii, to debate the cause of Hawaiian statehood. That was the 40th anniversary of the university. The only stipulation in the invitation was that we were to take the negative side. At that time the passion for statehood had reached the level that no student at the university wanted to publicly debate against statehood for the Territory.

Of course, we went along, happy to have the opportunity to visit Hawaii. We were received with great hospitality by all the students at the university and by the faculty as well. I remember the occasion particularly because the Governor of the Territory at that time was OREN LONG. He not only opened the doors of his office wide and greeted us, but he also extended himself to make

certain that our welcome to Hawaii was all we had hoped for and more besides. OREN LONG always has had a very special interest in young people.

His career, which has been a long and distinguished one, is particularly noteworthy in the field of public education. It was there he first made his mark, and for many years rendered exceptional service. Later, as Governor of the Territory of Hawaii and finally as a Member of the U.S. Senate, he capped off that career of service in public education with service to the public at large.

I cannot imagine how the people of Hawaii could have selected a man more deserving of the honor of being one of Hawaii's first Senators, after the admission of Hawaii as the 50th State, than the distinguished junior Senator from Hawaii, OREN LONG.

So I join with my colleagues in wishing him well on his departure. I hope that his retirement will be a long and happy one. Knowing him and liking him as I do, having a profound respect for him, I hope that our paths will often cross in the years to come.

TRIBUTE TO SENATOR BENJAMIN A. SMITH II, OF MASSACHUSETTS

Mr. CHURCH. Mr. President, we shall also miss another colleague, BEN SMITH, the junior Senator from Massachusetts. He came here to fill the seat of the man who had gone on to become President of the United States. That is hardly an enviable position. Yet BEN SMITH has done more than merely hold down the seat of the Senator who became President. He has been a working and effective Senator for Massachusetts. If he had some handicap to begin with, he quickly overcame it, and he demonstrated by his seriousness of purpose, by his obvious intelligence, by his effervescent good nature that he was a man of uncommon talents.

Few men have come to this Chamber with the ability to win so many friends so quickly as BEN SMITH, of Massachusetts. Now that he is leaving the Senate I know I express the hope of many of his colleagues that his service here is but the start of a long career of public service in the Government of the United States, that he will find inspiration to serve in some other branch of government in an office commensurate with his ability, and that his years ahead will be years of accomplishment and fulfillment.

BEN SMITH is a remarkable individual. We all have learned to love him in the brief time he has been in the Senate, and I join with all his other colleagues in wishing him well.

I thank the Senator from Minnesota very much for his generosity in extending me this time. It is typical of the gracious way he treats all his colleagues in the Senate.

U.S. GRANT-IN-AID PROGRAM FOR ARTS: A MILESTONE IN AMERICAN CULTURAL HISTORY

Mr. HUMPHREY. Mr. President, I am happy to join with the Senate Labor

and Public Welfare Committee in supporting S. 741, as revised, Calendar No. 2222, for the establishment of a U.S. National Arts Foundation and for a grant-in-aid program to the States.

It is particularly gratifying, of course, that the bill incorporates provisions of what has come to be known as the Clark-Humphrey bill, S. 785, to provide such grants for assistance to State art activities.

(At this point Mr. CHURCH assumed the chair as Presiding Officer.)

THE INTERESTING LEGISLATIVE AMENDMENTS

Mr. HUMPHREY. Mr. President, I find myself in a very interesting parliamentary situation.

The number of this bill, S. 741, is the same as the number of the original bill which I personally introduced for the establishment of a Federal Advisory Council on the Arts.

However, my original bill has been replaced in entirety by a substitute. This substitute, in turn, includes provisions, as I have indicated, of another bill which was introduced by the distinguished Senator from Pennsylvania [Mr. CLARK] together with other Senators and myself.

The subcommittee of the Committee on Labor and Public Welfare headed by the distinguished Senator from Rhode Island [Mr. PELL], actually reported the Humphrey bill, S. 741, for an Advisory Council, to the full committee. It included an amendment, which I personally had offered. This amendment would have established the Advisory Council within the Executive Office of the President, rather than within the Department of Health, Education, and Welfare.

The bill which is on the calendar omits the Advisory Council. I mention this now because I am sure the Senate will consider the proposed legislation next year. At least, the bill will be reintroduced, and undoubtedly it will be reported favorably by the committee.

Yet, the bill does significantly combine the principal features of S. 785, to establish a program of grants to the States, which I had cosponsored, and S. 1250, to establish the U.S. Arts Foundation, introduced by the Senator from New York [Mr. JAVITS].

So far as I am concerned, S. 741 in its revised form represents an excellent contribution to the cultural life of this Nation.

I take the time tonight, Mr. President, to comment on this proposed legislation because I am convinced that there is a great need for a broader participation by the Federal Government, and indeed by the State governments, as to the development of the arts and the promotion of the arts.

The bill which was reported by the Senate Committee on Labor and Public Welfare was designed to encourage participation by both the Federal Government and the State governments in expanding the arts and in particular in providing for Federal assistance.

PRESIDENT CAN STILL APPOINT A COUNCIL

I am still hoping that a Federal Advisory Council on the Arts can be appointed.

I would like to see legislation adopted to establish such a Council and within the Executive Office of the President.

In the absence of such legislation, however, our Chief Executive does have more than sufficient power to appoint such a Federal Advisory Council on his own initiative and on an administrative basis.

GRANTS IN 2D YEAR OF \$10 MILLION

Meanwhile, under the committee bill we have the essence of the Clark-Humphrey bill—to provide matching grants to the States in support of projects and programs which are making a significant public contribution in one or more of the performing or visual arts.

In addition, assistance is provided to the States to develop programs and projects in those arts in a manner which will, in conjunction with existing programs and facilities, provide adequate artistic service for all the people and communities in each State.

For this purpose, a sum in the current fiscal year not exceeding \$5 million and in succeeding years \$10 million would be provided.

Drawing upon the bill S. 1250, the pending bill would also establish a U.S. National Art Foundation as an independent agency in the executive branch of the Government. The Foundation would serve under the general supervision of a Board of Trustees, consisting of the Director of the Foundation and 12 members, appointed by the President, by and with the consent of the Senate.

HOUSE WILL NOT ACT AT THIS LATE HOUR

We all recognize that the hour is late in the 87th Congress. It will not be possible, unfortunately, for the House of Representatives to take up this important measure, even if it were passed in the Senate. The record ought to be clear that the only reason we did not call up the bill this week is that it was impossible to obtain a rule in the House to enable the House to consider the proposed legislation. I thought that rather than insist upon action in the Senate on a bill that would go no further than this body, particularly, a bill that might require reworking and revision in the next session, it would be better if the Senate did not proceed to take affirmative action.

But Senate committee approval of the bill is not, however, a token gesture. It is a step in the long march upward on the part of the people of the United States toward attainment of what Mr. August Heckscher, the President's special consultant on the arts, has termed the "public happiness."

Senate committee support of this bill will serve as the advance stage from which the 88th Congress can begin in order to make further progress.

TESTIMONY BEFORE PELL SUBCOMMITTEE

It had been my pleasure to appear before the subcommittee of which the Senator from Rhode Island is the chairman. My testimony on the bill will be found beginning on page 262 of the hearings.

CULTURAL RENAISSANCE UNDER PRESIDENT KENNEDY

I need hardly elaborate by reminding the Senate that within the last 19

months, under the leadership of the President of the United States and the First Lady, there has literally been a cultural renaissance in this land.

Without attempting to go into detail, it can be stated, without dispute, that the United States has emerged as a great power which is nationally dedicated to great art thanks to the President's leadership.

The unparalleled artistic events in the White House; the President's strong support of the National Cultural Center; the participation in public events from the inaugural onward by the magnificent poet, Robert Frost—these and a hundred other signs demonstrate that art has come into its own in our national life.

CULTURE NO LUXURY IN TODAY'S ARMED WORLD

To some it may appear as a luxury to be concerned with cultural activities in an age where we are battling for our very survival amidst a cold war and the hot fighting in South Vietnam.

We are racing to the moon; we are spending one-ninth of our national budget for scientific research; we are girding ourselves for new challenges in Berlin, Cuba, Laos, the Formosa Straits, elsewhere in south Asia, Africa, and South America.

To some, it may appear that we should have "no time and no expenditures" for anything more than this.

My own view is precisely to the contrary. It is because we are engaged in so many epic struggles throughout the world for the liberty of man that we need to fulfill the highest impulses in the soul of man here at home.

We do not propose to be brutalized by the process of dealing with a brutal power. The Soviet Union may be interested in a machineman who lives like a robot. But we are interested in human man—whole man.

And the fact of the matter is that we can be better fighters for the cause of freedom by uplifting the human personality.

Some of the greatest soldiers and statesmen in American history have been those with the deepest interests in man's effort to achieve beauty in many forms of art.

STUDY BY SENATE REORGANIZATION SUBCOMMITTEE

I should like to point out that the comments which I have offered on this subject of the United States and culture are based on many years of my prior efforts in this field. As Senate Report No. 2260, 87th Congress, indicates, I have offered legislation on this topic in Congress after Congress ever since my service began here in 1949.

In addition, I have had the privilege of studying this issue as chairman of the Senate Government Operations Subcommittee which is responsible for examination of issues of interagency coordination, pursuant to Senate Resolution 276, 87th Congress.

During the Congress recess this year, it is my intention to have the subcommittee issue, as a committee print, a comprehensive volume which will bring together information as to the total Government-wide effort in the arts today.

TOTAL COVERAGE OF ALL ART ACTIVITY

For the first time, this publication will cite:

First. All the laws on the statute books relating to Federal activity in the arts.

Second. All of the appropriations which are expended each year in this connection.

Third. All of the advisory councils which assist Federal agencies in the discharge of their obligations.

Fourth. All of the bills which the Congress has reported in recent years relating to this topic, whether or not the bills have been enacted.

The subcommittee will not attempt to present conclusions as to legislation. That is the task of the Senate Committee on Labor and Public Welfare which does consider cultural legislation.

But it is the task of our Reorganization Subcommittee to consider the adequacy of Federal organization in attaining the objectives of the laws on the statute books. And it is our task to give a complete financial "picture" as to how much the U.S. Government is actually already spending.

In this process, we have been assisted by the splendid efforts of Mr. August Heckscher's office and the excellent cooperation of the Bureau of the Budget.

The U.S. Government is fortunate to have Mr. Heckscher serving in this post. His selection is a tribute to President Kennedy's judgment.

IMPORTANCE OF NATIONAL CULTURAL CENTER

Finally, I should like to state the following with regard to what our own American citizens can do in this field.

Earlier, I have referred to the support of the National Cultural Center. Mrs. Dwight D. Eisenhower and Mrs. John F. Kennedy are, of course, national co-chairmen. They symbolize the non-partisanship of support of this great project and its continuity of support from the past administration through the present administration.

I mention this Center now because, on November 29, the people of this Nation are going to have a great opportunity to show their own feeling toward the arts and toward a national center.

A giant closed circuit telecast will be held, as a fundraising effort. This telecast will be absolutely unique in American history. It will feature some of the greatest artists in the land. A few of these artists include Leonard Bernstein, Marian Anderson, Danny Kaye, Dorothy Kirsten, Richard Tucker, Robert Frost, Harry Belafonte, Gene Kelly, and Jason Robards.

The importance of the success of the telecast cannot be overestimated. It is precedent making in terms of its fundraising role. What may not be realized is that the telecast will raise funds, however, not only for the National Center here in Washington but for local cultural efforts throughout the Nation. There will be a 50-50 division of the proceeds after, and I emphasize after, local costs have been met. In effect, local cultural activities will be receiving a tremendous financial lift by means of the telecast.

What must be borne in mind is that in enacting the legislation for the National

Cultural Center the Congress, for the first time, authorized a national voluntary fundraising effort for a great cultural enterprise.

Now, it is the American people's task and opportunity to respond. I have every faith that they will respond admirably.

Here in our Nation's Capital, Mrs. Hugh Auchincloss is chairman, and I am sure there will be a tremendous turnout here, in my own State of Minnesota, and throughout the 49 other States.

Mr. President, I would also like to take a moment to mention a statement by Adelyn D. Breeskin, Director of the Washington Gallery of Modern Art, given before the Subcommittee on Labor and Public Welfare.

Mrs. Breeskin has been noted throughout the art world for her outstanding work as director of the Baltimore Museum. Washington is indeed fortunate that she has decided to become a resident of this city and has accepted the responsibility of acting as Director of the new Washington Gallery of Modern Art. The gallery is located at 1503 21st Street NW., and the opening is scheduled for the end of October.

In her statement Mrs. Breeskin comments on the project of artmobiles that has already been undertaken in Virginia and New York. By means of a large motor van, art exhibitions are circulated throughout the State, thus affording an opportunity for works of art to reach every small village and community. This is a fine idea and suggests the type of State projects that would be assisted through the grant-in-aid program as provided for in S. 741, as amended, which we had hoped might become the law of the land by action in both Houses of Congress. It is regrettable that action was not completed on the proposed legislation. This will be one of the items on which I shall renew my efforts in the 88th Congress. I am hopeful that there will be committee action early in the session and that there will be congressional action in both Houses of Congress in the 1st session of the 88th Congress.

THE WASHINGTON GALLERY OF MODERN ART

Mr. HUMPHREY. Mr. President, before Congress adjourns I must direct the attention of my colleagues and the Nation to the opening of the new Washington Gallery of Modern Art scheduled for October 30, 1962.

This event gives every indication of being a historic and artistic achievement of first magnitude. Museum directors and art officials from this country and from Europe will attend the opening which will feature the first major retrospective exhibition of Franz Kline, the late abstract expressionist painter.

The moving spirit behind this new gallery of modern art in Washington is my dear friend, Adelyn D. Breeskin. Mrs. Breeskin has served as director of the Baltimore Museum and has established the highest reputation among her colleagues in the art field. She is an unusually talented person and Washington

is most fortunate to have her creative energies at work here.

A number of Members of the Senate were privileged to meet Mrs. Breeskin and to visit with her with respect to the projects that she has in mind for this city in the field of modern art, at a luncheon given for her only a short time ago.

The Washington Gallery of Modern Art under her outstanding direction will be recognized as one of the finest creative outlets for contemporary art. I am sure my colleagues join in giving Mrs. Breeskin and the Washington Gallery of Modern Art a solid vote of confidence.

Mr. President, I ask unanimous consent that an article appearing in last Sunday's Washington Post describing the activities of the Washington Gallery of Modern Art be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEWEST GALLERY SEEKING SUPPORT (By Leslie Judd Ahlander)

The most eagerly awaited art event this month is the opening of the new Washington Gallery of Modern Art October 30. The newly renovated building at 1503 21st Street NW., will have as its inaugural show the first major retrospective exhibition of Franz Kline, the late abstract expressionist painter.

Museum directors and art officials from all over the country will come here for the formal opening, and visitors are even expected from Europe. There are two reasons for this international interest in the new gallery and its opening show.

For one thing, Franz Kline, who, though a leader of the modern movement, never had an important one-man show or a definitive monograph written about his work, will at last be recognized with both an exhibit and a catalog with text by Elaine de Kooning, artist and personal friend as well as a perceptive chronicler of contemporary art trends.

Another factor is the high respect and affection in which the new gallery's director, Adelyn Breeskin, is held in the art field. Without her assured position, not nearly so many important Kline paintings would have been released for a Washington showing.

Following the Kline exhibit, a one-man show of the sculptor Reuben Nakian will run from January 8 to February 16. A show being assembled by Dore Ashton for the American Federation of Arts, entitled "Lyricism in Abstract Art," will run from February 19 to March 10.

The big Arshile Gorky retrospective which was seen at the Venice biennial last summer will come in March (only the Museum of Modern Art in New York and the Washington Gallery here will have this important show), followed by an exhibit tentatively called "Adventures in Modern Art," which will be "way-out and fun," according to Mrs. Breeskin.

From June 15 through August, the trustees of the gallery will display works from their own collections in a show that should surprise Washington by its variety and quality.

In order to be completely independent in its judgments, the new Washington Gallery of Modern Art has refused all Government help in financing its programs. This leaves its continuation squarely in the hands of interested Washingtonians.

The gallery has just started a major membership drive in categories that run from \$10 to \$5,000, with the memberships including not only invitations to exhibition openings but also an art rental gallery, a library, movies, lectures, and recitals. Over 300 orig-

inating members have already subscribed at \$100 each.

In addition, works for the permanent collection have been coming in from many sources. Newest acquisitions are two pieces of sculpture, "Figure" by Hofelehner, the gift of David Greger, and "Mystic Leaves" by Michael Guino, the gift of Mr. and Mrs. Alan Wurtzburger. The number of acquisitions was up to 19 at the last count.

Washington needs a gallery of modern art and this one promises the very best from the point of view of quality. Interested people are asked to phone FEderal 3-4027 or to write the gallery for membership forms.

WILLIAM C. DOHERTY

Mr. KEATING. Mr. President, I should like to take this opportunity to express my congratulations and satisfaction on the appointment of William C. Doherty as first U.S. Ambassador to the new nation of Jamaica. Bill Doherty will be one of the first representatives of organized labor to serve his Nation abroad as Ambassador. But I think my colleagues on both sides of the aisle will join with me in rejoicing at the complete appropriateness, the high personal qualifications of this man for such a post.

Bill Doherty has through the years made an outstanding reputation for himself as a labor leader of vigor, ability, and personal integrity. Not only in the United States but throughout Latin America and in Europe he is renowned for his tireless and determined opposition to dictatorship, whether it be on the right or the left. More than once he has stood up for the rights of the individual, the individual workingman and the individual citizen. In Jamaica organized labor is a strong and vital political force. Bill Doherty is the best man I know to comprehend and cope with the problems he will face in representing the United States of America to the people of Jamaica.

Furthermore, Mr. President, for the past 17 years in his work with the American Federation of Labor and then with the amalgamated AFL-CIO, Bill Doherty has worked to alert union members at home and abroad to the bitter menace of the Communist movement.

It is a measure of his ability and his contributions that Gen. Lucius Clay invited Doherty to Germany in 1945 to help reestablish a free trade union movement and to oust Communist elements which had infiltrated many unions. It is a measure of his skill and diplomacy in this critical area of international relations that he has already been appointed by two Presidents for important international missions. President Eisenhower named him an official U.S. delegate at the inauguration of Brazilian President Kubitschek. Last year, President Kennedy invited him to attend the important Punta del Este Conference in Uruguay as a special representative. He also attended Jamaica's Independence Day ceremonies last August as the President's special ambassador.

Mr. President, Bill Doherty with all the charm and verve of his magnetic personality will, I am positive, be a highly effective ambassador for the American

way of life and for our free enterprise system. He will also be one of the most effective enemies of the Communist conspiracy which tries so hard to undermine free labor movements throughout the world.

In his important new post, Bill Doherty carries the hopes and best wishes of millions of Americans. We can be confident he will bring to his new position the same human warmth and dynamic enterprise which has been so conspicuous throughout his career of dedication and service to the cause of freedom.

RECESS

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Thereupon, at 7 o'clock and 44 minutes p.m., the Senate took a recess subject to the call of the Chair.

At 11 o'clock and 40 minutes p.m. the Senate reassembled on being called to order by Hon. SPESSARD L. HOLLAND, a Senator from the State of Florida.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., October 12, 1962.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. SPESSARD L. HOLLAND, a Senator from the State of Florida, to perform the duties of the Chair during my absence.
CARL HAYDEN,
President pro tempore.

Mr. HOLLAND thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3361) to facilitate the entry of alien skilled specialists and certain relatives of U.S. citizens, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 13273) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 1663. An act for the relief of Dr. Hans J. V. Tiedemann and family;

H.R. 7781. An act to authorize the Administrator of General Services to convey by quitclaim deed a parcel of land in Prince Georges County, Md., to the Silver Hill Voluntary Fire Department and Rescue Squad;

H.R. 8563. An act to amend the Life Insurance Act of the District of Columbia to permit certain policies to be issued to members of duly organized national veterans' organizations;

H.R. 9045. An act to amend the Trading With the Enemy Act, as amended;

H.R. 9669. An act for the relief of Molly Kwauk;

H.R. 12135. An act to authorize appropriations for the fiscal years 1964 and 1965 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes;

H.R. 12217. An act for the relief of George Edward Leonard;

H.R. 12434. An act to facilitate the work of the Forest Service, and for other purposes; and

H.R. 12708. An act to increase the jurisdiction of the Municipal Court for the District of Columbia in civil actions, to change the names of the court, and for other purposes.

ADJOURNMENT

Mr. MANSFIELD. Mr. President, I move that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 11 o'clock and 41 minutes p.m.) the Senate adjourned until tomorrow, Saturday, October 13, 1962, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 12, 1962:

POSTMASTERS

OHIO

Harold B. Swan, Beach City.
John D. McCray, Greenfield.

GEORGIA

Hazel W. Lawson, Avondale Estates.

ILLINOIS

Donald E. Howe, Warrensburg.

NEW JERSEY

Mabel P. Wood, Barnegat Light.
M. Josephine Hulmes, Lebanon.
Margaret L. Wetzel, Leonardo.
Henry P. Hofstetter, Pine Beach.

HOUSE OF REPRESENTATIVES

FRIDAY, OCTOBER 12, 1962

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

The last words from the Bible, Revelation 22: 21: *The grace of our Lord Jesus Christ be with you all.*

Almighty God, whose divine pity and power are continually ministering to the pathos and poverty of human life, may we now pour out our hearts unto Thee in penitence and praise.

Grant that in these days, when disquieting moods and disturbing misgivings frequently assail our souls, inspire us to turn eagerly unto Thee to be quickened and fortified with a sense of the magnitude and majesty of Thy grace.

Though our "little systems have their day and cease to be" may we not be afraid to aspire and go forward with a devout and determined faith, trusting ourselves humbly and heroically to the leading of Thy Holy Spirit.

Now unto Him who is able to keep us from falling, and to present us faultless before the presence of his glory with exceeding joy, to the only wise God, our Saviour, be glory and majesty, dominion and power, both now and forever. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1663. An act for the relief of Dr. Hans J. V. Tiedemann and family;

H.R. 8269. An act for the relief of Dr. Walter H. Duisberg; and

H.R. 8563. An act to amend the Life Insurance Act of the District of Columbia to permit certain policies to be issued to members of duly organized national veterans' organizations.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 7932. An act to amend the act of July 2, 1948, so as to repeal portions thereof relating to residual rights in certain land on Santa Rosa Island, Florida.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 13290. An act making supplemental appropriations for the fiscal year ending June 30, 1963, and for other purposes.

The message also announced that the Senate insists upon its amendment to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HOLLAND, Mr. HAYDEN, Mr. RUSSELL, Mr. YOUNG of North Dakota, and Mr. SALTONSTALL to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12648) entitled "An act making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1963, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to Senate amendments Nos. 2, 51, and 53 to the above-entitled bill.

The message also announced that the Senate recedes from its amendments to the bill (H.R. 9669) entitled "An act for the relief of Molly Kwauk."